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File Name *ADM-1-11 EPC Meeting*  
*Dec. 1992*  
*JG*

MEETING AGENDA  
ENVIRONMENTAL PROTECTION COMMISSION  
WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA  
December 21, 1992

Meeting convenes at 10:00 a.m., Monday, December 21, 1992, in the fourth floor conference room.

Public Participation

10:30 a.m.

APPOINTMENTS:

Dave Sheridan, A.G. Office

10:45 a.m.

Kristi Hirschman, Organic Technologies

11:00 a.m.

Kathleen Deal, A.G. Office

11:10 a.m.

Joseph Wilson, ECOMED

1:30 p.m.

*Midway Water + Lighting (Item #17-A)*

2:00 p.m.

*Leo Schachtner (Item #16)*

2:30 p.m.

1. Approve Agenda.
2. Approve Minutes of November 16, 1992.
3. Director's Report. (Wilson) Information.
4. Financial Status Report. (Kuhn) Information.
5. Section 319 Nonpoint Pollution Control Project Contract Approval. (Kuhn) Decision.
6. Monthly Reports. (Stokes) Information.
7. 1992 Annual Report: Registry of Hazardous Waste Sites. (Stokes) Information.
8. Proposed Rule--Chapter 135, UST Ability to Pay. (Stokes) Information.
9. Proposed Rule--Chapters 100 and 102, Special Waste Authorizations. (Stokes) Information.
10. Proposed Rule--Chapter 61, Stream Use Designation. (Stokes) Information.
11. Air Quality State Implementation Plan - Small Business Assistance Center. (Stokes) Information.

## **EPC Agenda - Page 2**

- 12. Final Rule--Chapters 20-29, Air Quality Rules - Stack Testing. (Stokes) Decision.**
- 13. Notice of Intended Action--Chapter 42, Water Supply Laboratory Certification. (Stokes) Decision.**
- 14. Private Well Sampling and Plugging Grants to Counties. (Stokes) Decision.**
- 15. State Revolving Fund - Intended Use Plan. (Stokes) Decision.**
- 16. Contested Case Appeal--Leo Schachtner. (Stokes) Decision (Tabled)**
- 17. Referrals to the Attorney General. (Stokes) Decision.**
  - (a) Midway Water & Lighting (Marion)**
  - (b) Seven Ponds Park (Des Moines)**
  - (c) Rankin Roofing and Siding (Knoxville)**
  - (d) Buffalo Bill Estates (Clinton County)**
- 18. General Discussion.**
- 19. Address Items for Next Meeting.**

### **NEXT MEETING DATES**

**January 19 & 20 (Tues. & Wed.)**

**February 15, 1993**

**March 15, 1993**

# ENVIRONMENTAL PROTECTION COMMISSION

Monday, December 21, 1992

NAME

COMPANY OR AGENCY

CITY

(PLEASE PRINT)

DANNY VEST	GROWMARK	BLOOMINGTON, IL
Perry Beeman	Des Moines Register	Des Moines
Amy Christensen Couch	Sullivan & Ward	Des Moines
Scott Young	Staakey Law Firm	Muscatine
Jackie McMahon	Sullivan & Ward	Des Moines
JAY DILLAVOY	MIDWEST POWER	DES MOINES
Marilyn Hatterman		Carlisle
Bonnie Brustad	Ahlers Law Firm	Des Moines
Chris Gault	Farm Bureau	WDSM
Kurt Huchman	Organic Technologies	Pule
Rick Kelley	UHL	Des Moines
Melissa Kehoe	Jim Duro Research	DSM
Dave Hoeberle	ECOMED	Indianapolis
Joe Wilson	ECOMED	Indianapolis
Ted Pachar	Hawkeye Medical	Iowa City
Geo Schachtner		Pondra House
Donald F. Williams	Midway Water + Lighting	marion, Ia

RECORD COPY EPC Meeting  
File Name ADM-1-H Dec.  
Senders Initials JH

MINUTES  
OF THE  
ENVIRONMENTAL PROTECTION COMMISSION  
MEETING

DECEMBER 21, 1992

WALLACE STATE OFFICE BUILDING  
DES MOINES, IOWA

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Hartsuck at 10:00 a.m. on Monday, December 21, 1992, in the Wallace State Office Building, Des Moines, Iowa.

### COMMISSIONERS PRESENT

Richard Hartsuck, Chairperson  
William Ehm  
Rozanne King  
Charlotte Mohr  
Gary Priebe  
Nancylee Siebenmann  
Clark Yeager

### COMMISSIONERS ABSENT

Verlon Britt  
Margaret Prah

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment - Midway Water and Lighting (Item #17-A) - 2:00 p.m.
- Add: Leo Schachtner (Item #16) - 2:30 p.m.

*Motion was made by Charlotte Mohr to approve the agenda as amended. Seconded by Rozanne King. Motion carried unanimously.*

APPROVED AS AMENDED

### APPROVAL OF MINUTES

*Chairperson Hartsuck stated that the minutes stood approved as presented.*

APPROVED AS PRESENTED

## **DIRECTOR'S REPORT**

Larry Wilson, Director, informed the Commission that Margaret Prahll is absent due to a court hearing she has today, and Verlon Britt is absent due to an illness in the family.

Director Wilson updated the Commission on the Midwest Environmental Law Center's lawsuit against the department and the Commission for failure to write air quality rules. He related that there will be a hearing on that case tomorrow and Mike Valde, Attorney General's Office, will represent the Commission and the department.

Director Wilson reported on a realignment of personnel in the Environmental Protection Division noting that Pete Hamlin will be Bureau Chief in the Air Quality Bureau. Solid Waste Section and UST Section will be joined by the Emergency Response Unit and will be named the Land Quality Bureau, with Joe Obr as Bureau Chief. Field Offices and Legal Service Bureau has been named Compliance and Enforcement Bureau, with Mike Murphy as Bureau Chief. Darrell McAllister will be Bureau Chief of the Water Quality Bureau containing the Water Resources Section, Waste Water Section and Water Supply Section. The division will have an Environmental Management/Information/Coordination Section and Gene Bateman will serve as coordinator of that section. Mr. Wilson added that a table of organization is available for any Commission who may want one. The realignment took effect on December 1.

Director Wilson distributed a copy of The Iowa Gift Law handbook to each Commissioner along with a cover letter explaining the law. He encouraged Commissioners to contemplate who the gift is coming from, whether it is given at no expense and with the expectation of nothing in return, and if there are any exceptions that would legally allow a person to accept the gift.

## **FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

The year-to-date division level expenditure report is attached. Most areas appear "under" budget, except for salaries in Parks and in Fish and Wildlife. Actual salary expenditures include seasonal help and also backpay awarded under the contract settlement. For these reasons, salary expenditures for those two divisions appear "over" when compared with the total salary budgeted divided by months to date.

(Reports are shown on the following 2 1/2 pages)



## Environmental Protection Commission Minutes

December 1992

JO80C103

IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 11/30/92

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	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
1000 DIRECTOR'S OFFICE					
101 PERSONAL SERVICES	74,653.96	422,440.94	425,419.00	2,978.00-	1,021,017.00
202 IN-STATE TRAVEL	1,387.39	10,958.78	22,142.00	11,183.00-	53,150.00
203 STATE VEHICLE OPERATION	269.41	1,576.09	3,304.00	1,728.00-	7,931.00
204 STATE VEHICLE DEPRECIATIO	655.00	3,275.00	5,186.00	1,911.00-	12,450.00
205 OUT-STATE TRAVEL	1,013.50	3,266.37	3,540.00	273.00-	8,500.00
301 OFFICE SUPPLIES	879.01	37,417.59	35,018.00	2,400.00-	84,050.00
302 FACILITY MAINTENANCE SUPP	0.00	29.65	832.00	802.00-	2,000.00
303 EQUIPMENT MAINTENANCE SUP	193.75	1,530.45	2,853.00	1,322.00-	6,850.00
308 OTHER SUPPLIES	7,488.59	14,084.52	27,093.00	13,009.00-	65,030.00
309 PRINTING & BINDING	44,547.74	100,526.92	106,599.00	6,073.00-	255,843.00
401 COMMUNICATIONS	1,796.20	6,959.86	11,333.00	4,372.00-	27,200.00
402 RENTALS	0.00	155.00	208.00	53.00-	500.00
403 UTILITIES	8.51	65.37	312.00	247.00-	750.00
405 PROF & SCIENTIFIC SERVICE	394.46	7,930.33	20,182.00	12,153.00-	48,200.00
406 OUTSIDE SERVICES	2,031.19	6,107.39	8,750.00	2,642.00-	21,000.00
410 DATA PROCESSING	772.62	772.62	5,603.00	4,831.00-	13,450.00
414 REIMBURSEMENTS TO OTHER A	559.50	559.50	93.00	466.00	225.00
501 EQUIPMENT	291.17	4,713.17	1,802.00	2,911.00-	4,326.00
621 BACK PAY INTEREST	0.00	359.37	0.00	358.00	0.00
DIVISION TOTAL	136,942.00	622,728.92	680,169.00	57,442.00-	1,632,472.00

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	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
3000 ADMINISTRATIVE SERVICES DIV.					
101 PERSONAL SERVICES	273,104.51	1,676,672.07	1,694,990.00	18,318.00-	4,067,986.00
202 IN-STATE TRAVEL	2,317.47	12,730.42	19,873.00	7,143.00-	47,700.00
203 STATE VEHICLE OPERATION	3,109.60	21,503.75	25,208.00	3,704.00-	60,500.00
204 STATE VEHICLE DEPRECIATIO	5,940.00	29,650.00	30,916.00	1,266.00-	74,200.00
205 OUT-STATE TRAVEL	264.00	1,473.07	749.00	724.00-	1,800.00
301 OFFICE SUPPLIES	32,951.28	116,860.70	133,372.00	16,510.00-	320,100.00
302 FACILITY MAINTENANCE SUPP	0.00	285.88	12,916.00	12,631.00-	31,000.00
303 EQUIPMENT MAINTENANCE SUP	5,805.50	14,517.22	19,998.00	5,480.00-	48,000.00
308 OTHER SUPPLIES	1,351.19	3,947.58	5,706.00	1,759.00-	13,700.00
309 PRINTING & BINDING	3,363.25	5,984.65	5,414.00	570.00	13,000.00
312 UNIFORMS & RELATED ITEMS	0.00	104.49	833.00	729.00-	2,000.00
401 COMMUNICATIONS	6,380.80	25,808.38	38,791.00	12,982.00-	93,100.00
406 OUTSIDE SERVICES	324.35	1,778.49	16,414.00	14,636.00-	39,400.00
410 DATA PROCESSING	12,321.24	143,170.75	44,790.00	98,381.00-	107,500.00
412 AUDITOR OF STATE REIMBURS	43,411.27	43,411.27	62,500.00	19,089.00-	150,000.00
414 REIMBURSEMENTS TO OTHER A	1,128.50	1,128.50	16,249.00	15,121.00-	39,000.00
501 EQUIPMENT	3,999.03	25,505.90	61,457.00	35,951.00-	147,500.00
602 OTHER EXPENSES & OBLIGATI	27.10	53.24	0.00	53.00	0.00
621 BACK PAY INTEREST	0.00	2,177.53	0.00	2,178.00	0.00
DIVISION TOTAL	395,799.09	2,126,763.89	2,190,176.00	63,413.00-	5,256,486.00

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	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
4000 PARKS, PRES. & RECREATION DIV.					
101 PERSONAL SERVICES	344,798.58	2,637,499.01	2,373,817.00	263,681.00	5,697,167.00
202 IN-STATE TRAVEL	4,493.55	14,998.33	28,851.00	13,852.00-	69,250.00
203 STATE VEHICLE OPERATION	17,120.54	97,770.70	83,444.00	14,327.00	200,270.00
204 STATE VEHICLE DEPRECIATIO	24,005.00	123,745.00	119,749.00	3,996.00	287,400.00
205 OUT-STATE TRAVEL	862.76	1,541.32	3,270.00	1,728.00-	7,850.00
301 OFFICE SUPPLIES	1,182.32	14,962.99	17,998.00	3,034.00-	43,200.00
302 FACILITY MAINTENANCE SUPP	48,425.45	205,862.15	191,788.00	14,074.00	460,300.00
303 EQUIPMENT MAINTENANCE SUP	22,291.44	119,061.51	121,144.00	2,081.00	290,750.00
307 AG., CONSERVATION & HORT S	101.33	1,851.83	8,958.00	7,106.00-	21,500.00
308 OTHER SUPPLIES	3,255.61	13,742.59	17,785.00	4,042.00-	42,694.00
309 PRINTING & BINDING	4,962.50	6,197.45	14,373.00	8,176.00-	34,500.00
312 UNIFORMS & RELATED ITEMS	15.00	768.40	16,068.00	15,300.00-	38,568.00
401 COMMUNICATIONS	8,644.81	31,915.74	43,748.00	11,832.00-	105,002.00
402 RENTALS	5,360.50	18,614.75	12,437.00	6,178.00	29,850.00
403 UTILITIES	42,755.91	155,963.12	158,727.00	2,763.00-	380,951.00
405 PROF & SCIENTIFIC SERVICE	0.00	4,669.20	7,499.00	2,830.00-	18,000.00
406 OUTSIDE SERVICES	29,396.33	82,447.60	77,228.00	5,220.00	185,352.00
408 ADVERTISING & PUBLICITY	164.19	641.41	853.00	212.00-	2,050.00
410 DATA PROCESSING	396.83	396.83	4,165.00	3,768.00-	10,000.00
414 REIMBURSEMENTS TO OTHER A	638.75	766.66	208.00	558.00-	500.00
501 EQUIPMENT	16,785.24	66,181.75	51,665.00	14,516.00	124,000.00
602 OTHER EXPENSES & OBLIGATI	0.00	2,143.65	833.00	1,311.00	2,000.00
621 BACK PAY INTEREST	0.00	365.53	0.00	364.00	0.00
701 LICENSES	0.00	125.00	164.00	39.00-	398.00
DIVISION TOTAL	575,656.64	3,602,232.52	3,354,772.00	247,462.00	8,051,552.00

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	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
5000 FORESTRY DIVISION					
101 PERSONAL SERVICES	132,702.40	730,606.12	806,028.00	75,422.00-	1,934,480.00
202 IN-STATE TRAVEL	2,783.73	13,606.43	16,662.00	3,056.00-	40,000.00
203 STATE VEHICLE OPERATION	7,587.32	32,210.42	35,622.00	3,413.00-	85,500.00
204 STATE VEHICLE DEPRECIATIO	11,070.00	55,350.00	60,048.00	4,698.00-	144,120.00
205 OUT-STATE TRAVEL	0.00	1,216.23	2,082.00	866.00-	5,000.00
301 OFFICE SUPPLIES	2,007.26	5,591.01	9,290.00	3,699.00-	22,300.00
302 FACILITY MAINTENANCE SUPP	5,234.86	13,375.13	16,247.00	2,871.00-	39,000.00
303 EQUIPMENT MAINTENANCE SUP	4,587.50	15,316.41	24,373.00	9,056.00-	58,500.00
307 AG., CONSERVATION & HORT S	49,819.45	73,978.89	36,342.00	37,637.00	87,223.00
308 OTHER SUPPLIES	1,423.70	2,431.54	20,206.00	17,775.00-	48,500.00
309 PRINTING & BINDING	57.45	3,260.65	6,499.00	3,238.00-	15,600.00
312 UNIFORMS & RELATED ITEMS	0.00	355.15	2,915.00	2,560.00-	7,000.00
401 COMMUNICATIONS	3,120.13	10,685.58	16,414.00	5,728.00-	39,400.00
402 RENTALS	763.55	6,812.01	15,416.00	8,604.00-	37,000.00
403 UTILITIES	1,835.96	5,473.75	13,248.00	7,774.00-	31,800.00
406 OUTSIDE SERVICES	7,017.67	12,442.23	17,291.00	4,848.00-	41,500.00
408 ADVERTISING & PUBLICITY	47.18	78.08	208.00	130.00-	500.00
410 DATA PROCESSING	220.57	220.57	665.00	444.00-	1,600.00
414 REIMBURSEMENTS TO OTHER A	100.00	100.00	125.00	25.00-	300.00
501 EQUIPMENT	5,951.17	14,890.39	26,207.00	11,316.00-	62,900.00
621 BACK PAY INTEREST	0.00	389.00	0.00	389.00	0.00
DIVISION TOTAL	236,329.90	998,389.59	1,125,888.00	127,497.00-	2,702,223.00

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	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
6000 ENERGY & GEOLOGICAL RESOURCES					
101 PERSONAL SERVICES	180,475.93	1,020,289.29	1,022,964.00	2,675.00-	2,455,144.00
202 IN-STATE TRAVEL	2,199.40	8,736.89	13,883.00	5,145.00-	33,339.00
203 STATE VEHICLE OPERATION	2,187.14	9,178.76	8,686.00	493.00	20,850.00
204 STATE VEHICLE DEPRECIATIO	2,480.00	12,365.00	13,987.00	1,622.00-	33,570.00
205 OUT-STATE TRAVEL	1,353.55	7,950.94	8,496.00	545.00-	20,400.00
301 OFFICE SUPPLIES	3,060.23	8,162.97	6,200.00	1,963.00	14,899.00
303 EQUIPMENT MAINTENANCE SUP	4,501.92	5,762.06	6,519.00	757.00-	15,650.00
304 PROF. & SCIENTIFIC SUPPL	39.75	265.40	499.00	234.00-	1,200.00
308 OTHER SUPPLIES	628.96	10,167.97	14,479.00	4,310.00-	34,759.00
309 PRINTING & BINDING	485.10	3,957.74	11,954.00	7,996.00-	28,700.00
401 COMMUNICATIONS	1,927.64	11,537.86	14,059.00	2,520.00-	33,750.00
402 RENTALS	0.00	700.00	1,000.00	300.00-	2,400.00
403 UTILITIES	45.76	2,653.09	5,299.00	2,646.00-	12,720.00
405 PROF & SCIENTIFIC SERVICE	83,379.55	110,542.36	264,929.00	154,387.00-	635,837.00
406 OUTSIDE SERVICES	717.13	7,169.13	8,113.00	947.00-	19,495.00
410 DATA PROCESSING	2,140.24	2,140.24	6,914.00	4,774.00-	16,600.00
414 REIMBURSEMENTS TO OTHER A	1,232.55	1,232.55	2,367.00	1,135.00-	5,695.00
501 EQUIPMENT	197.15	7,460.68	6,665.00	796.00	16,000.00
621 BACK PAY INTEREST	0.00	481.77	0.00	483.00	0.00
DIVISION TOTAL	287,052.00	1,230,754.70	1,417,013.00	186,258.00-	3,401,008.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
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	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
7000 ENVIRONMENTAL PROTECTION DIV.					
101 PERSONAL SERVICES	542,603.57	2,995,860.87	3,179,802.00	183,941.00-	7,631,563.00
202 IN-STATE TRAVEL	6,442.49	19,541.21	47,795.00	28,253.00-	114,720.00
203 STATE VEHICLE OPERATION	3,144.46	16,543.80	23,541.00	6,997.00-	56,500.00
204 STATE VEHICLE DEPRECIATIO	5,105.00	25,525.00	27,083.00	1,558.00-	65,000.00
205 OUT-STATE TRAVEL	4,349.80	12,692.33	40,620.00	27,929.00-	97,500.00
301 OFFICE SUPPLIES	4,487.70	20,298.73	26,699.00	6,399.00-	64,100.00
302 FACILITY MAINTENANCE SUPP	0.00	11,051.46	874.00	10,178.00-	2,100.00
303 EQUIPMENT MAINTENANCE SUP	1,170.83	2,258.67	3,289.00	1,029.00-	7,900.00
308 OTHER SUPPLIES	839.38	10,000.41	14,473.00	4,475.00-	34,750.00
309 PRINTING & BINDING	3,374.75	24,907.20	22,260.00	2,646.00-	53,440.00
312 UNIFORMS & RELATED ITEMS	0.00	247.40	624.00	377.00-	1,500.00
401 COMMUNICATIONS	17,523.03	52,989.12	56,926.00	3,937.00-	136,636.00
402 RENTALS	6,305.34	18,179.76	25,125.00	6,945.00-	60,300.00
403 UTILITIES	1,301.56	4,023.83	7,351.00	3,327.00-	17,645.00
405 PROF & SCIENTIFIC SERVICE	208,056.03	229,576.87	794,931.00	565,354.00-	1,907,845.00
406 OUTSIDE SERVICES	8,356.15	28,262.23	34,358.00	6,097.00-	82,470.00
408 ADVERTISING & PUBLICITY	365.74	1,140.80	4,332.00	3,191.00-	10,400.00
410 DATA PROCESSING	16,020.95	21,054.25	68,185.00	47,132.00-	163,660.00
414 REIMBURSEMENTS TO OTHER A	5,608.44	5,848.44	10,236.00	4,389.00-	24,580.00
501 EQUIPMENT	27,362.07	166,763.85	96,197.00	70,565.00-	230,887.00
602 OTHER EXPENSES & OBLIGATI	0.00	26.14	0.00	26.00	0.00
621 BACK PAY INTEREST	0.00	697.29	0.00	698.00	0.00
DIVISION TOTAL	862,417.29	3,667,489.66	4,484,701.00	817,217.00-	10,763,496.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 11/30/92

PAGE 8

	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
9000 WASTE MANAGEMENT AUTHORITY					
101 PERSONAL SERVICES	52,524.92	248,367.22	302,755.00	54,389.00-	726,618.00
202 IN-STATE TRAVEL	1,292.20	5,890.68	13,164.00	7,272.00-	31,600.00
205 OUT-STATE TRAVEL	88.67-	4,965.56	7,373.00	2,407.00-	17,700.00
301 OFFICE SUPPLIES	190.18	722.97	3,087.00	2,365.00-	7,410.00
302 FACILITY MAINTENANCE SUPP	0.00	752.94	112.00	641.00	270.00
303 EQUIPMENT MAINTENANCE SUP	73.75	73.75	0.00	74.00	0.00
308 OTHER SUPPLIES	6,041.77	6,942.23	6,311.00	630.00	15,150.00
309 PRINTING & BINDING	1,409.60	5,686.50	27,081.00	21,394.00-	65,000.00
401 COMMUNICATIONS	1,069.25	11,874.84	10,270.00	1,605.00	24,655.00
405 PROF & SCIENTIFIC SERVICE	44,753.55	45,686.60	71,126.00	25,440.00-	170,707.00
406 OUTSIDE SERVICES	244.66	3,319.20	1,534.00	1,784.00	3,685.00
410 DATA PROCESSING	490.28	490.28	2,616.00	2,126.00-	6,280.00
414 REIMBURSEMENTS TO OTHER A	495.75	495.75	7,562.00	7,067.00-	18,150.00
621 BACK PAY INTEREST	0.00	75.42	0.00	76.00	0.00
DIVISION TOTAL	108,497.24	335,343.94	452,991.00	117,650.00-	1,087,225.00

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IOWA DEPARTMENT OF NATURAL RESOURCES  
SUMMARY OF EXPENDITURES VS. YEAR-TO-DATE PLAN  
AS OF 11/30/92

PAGE 7

	TOTAL EXPENDITURES 11/01/92 - 11/30/92	TOTAL EXPENDITURES FY-TO-DATE	YEAR-TO-DATE PLAN	OVER/UNDER YEAR-TO-DATE PLAN	CURRENT ANNUAL BUDGET
8000 FISH AND WILDLIFE DIVISION					
101 PERSONAL SERVICES	936,103.84	5,332,010.38	5,161,180.00	170,829.00	12,386,876.00
202 IN-STATE TRAVEL	28,511.16	115,687.91	131,388.00	15,697.00-	315,362.00
203 STATE VEHICLE OPERATION	39,636.09	202,816.85	180,436.00	12,383.00	457,079.00
204 STATE VEHICLE DEPRECIATIO	57,255.00	290,135.00	304,734.00	14,599.00-	731,387.00
205 OUT-STATE TRAVEL	3,000.13	14,416.15	12,082.00	2,336.00	29,000.00
301 OFFICE SUPPLIES	32,125.70	96,495.63	85,707.00	10,789.00	205,720.00
302 FACILITY MAINTENANCE SUPP	43,836.00	89,764.78	127,247.00	37,479.00-	305,424.00
303 EQUIPMENT MAINTENANCE SUP	41,748.29	156,447.44	143,118.00	13,328.00	343,527.00
307 AG., CONSERVATION & HORT S	2,551.27	88,582.67	126,187.00	37,605.00-	302,870.00
308 OTHER SUPPLIES	14,542.34	41,432.45	34,020.00	7,412.00	81,683.00
309 PRINTING & BINDING	15,560.33	40,053.97	52,374.00	12,321.00-	125,706.00
312 UNIFORMS & RELATED ITEMS	4,398.32	16,772.35	44,935.00	28,162.00-	107,871.00
401 COMMUNICATIONS	18,559.85	74,154.18	74,429.00	272.00	178,655.00
402 RENTALS	4,078.95	19,897.62	20,220.00	321.00-	48,542.00
403 UTILITIES	20,730.13	65,215.62	91,811.00	26,597.00-	220,370.00
405 PROF & SCIENTIFIC SERVICE	6,500.00	57,389.00	45,832.00	11,557.00	110,000.00
406 OUTSIDE SERVICES	12,234.20	45,605.09	54,773.00	9,168.00-	131,480.00
408 ADVERTISING & PUBLICITY	271.06	315.18	791.00	479.00-	1,900.00
410 DATA PROCESSING	2,853.86	2,853.86	17,165.00	14,311.00-	41,200.00
414 REIMBURSEMENTS TO OTHER A	14,137.75	14,137.75	62,644.00	48,506.00-	150,350.00
501 EQUIPMENT	21,164.42	174,639.37	130,009.00	44,630.00	312,048.00
602 OTHER EXPENSES & OBLIGATI	300.00	336.05	250.00	86.00	600.00
621 BACK PAY INTEREST	0.00	5,155.68	0.00	5,158.00	0.00
DIVISION TOTAL	1,320,098.69	6,944,314.98	6,911,332.00	32,993.00	16,587,650.00

Mr. Kuhn reviewed the financial status report.

Director Wilson stated that the budget presentation to the Governor went very well.

Chairperson Hartsuck commented that he thought the Governor was very receptive and the department made a good presentation.

INFORMATIONAL ONLY

## SECTION 319 NONPOINT POLLUTION CONTROL PROJECT CONTRACT APPROVAL

Stan Kuhn, Division Administrator, Administrative Services Division, presented the following item.

Commission approval is requested for three contracts to provide EPA Section 319 funding for nonpoint source pollution control projects. Two contracts are for projects being conducted by Iowa State University Extension (ISUE) and the third contract is for a University of Iowa project. The projects and contracts are as follows:

- ISUE, BMP promotion in Northeast Iowa USDA Water Quality Projects - The contract will provide Section 319 funding for year one of a three year project supporting a part-time extension communications specialist position for the Northeast Iowa Demonstration/Sny Magill Watershed Projects. The specialist will work with project staff of other cooperating agencies to disseminate information concerning interagency agricultural non point source pollution control activities conducted as part of the Northeast Iowa Demonstration and the Sny Magill Hydrologic Unit Area projects which have been funded under the USDA's Water Quality Initiative Program. The information program will promote voluntary adoption of crop and livestock best management practices (BMP's) to protect water quality in these project areas.

EPA Section 319 funds will provide \$48,552 to support the salary, fringe benefits, and job-related travel costs of a part time (0.8 FTE) communications specialist and to pay for necessary office equipment and related project costs.

- ISUE, Environmental Protection through Agribusiness Education - This will be a one year contract to support on-going educational programs of ISUE targeted at agribusiness professionals who make crop production and protection recommendations to farmers. These programs include: two or three day Crops, Soils, and Pest Technology Short Courses, two-day Crop Diagnostic Training Programs at the ISU Field Extension Education Laboratory, Ag Chemical Dealer Update programs, a two-day Crop Production and Protection Conference, and other programs requested by private industry or government agencies. Program content includes hands-on training on crop development and production, forage production, soil fertility, disease and pest identification and management, and proper use of agri-chemicals to protect surface and ground waters.

The contract will provide \$73,148 to support the ISUE educational programs for a one year period. ISUE is adjusting program fees to enable the program to become self supporting in future years.

- University of Iowa Department of Civil and Environmental Engineering, Popular Tree Buffer Strips grown in Riparian Zones for Non point Pollution Control and Biomass Production - The contract will provide funding for one additional year for this project, which originally was funded with FY90 Section 319 funds. The Section 319 funds will support the use of an established poplar tree and grass buffer strip along a stream adjacent to cropland on the Amana Society Farm as a demonstration site at the 1993 Farm Progress Show. Continuing project activities include monitoring and measuring buffer strip influence on nitrate and sediment concentrations in runoff and shallow ground water and demonstrating the effectiveness of tree and grass buffer strips for intercepting agricultural contaminants,

stabilizing stream banks, providing wildlife habitat, and improving in-stream habitat conditions.

This contract will provide \$25,310 for the calendar year 1993 activities of the project. The Department does not expect to continue providing Section 319 funds to this project in 1994.

Mr. Kuhn explained each grant contract.

*Motion was made by William Ehm to approve the Section 319 Nonpoint Pollution Control Project Contracts with Iowa State University Extension and University of Iowa, as presented. Seconded by Charlotte Mohr. Motion carried unanimously.*

APPROVED AS PRESENTED

## MONTHLY REPORTS

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Enforcement Status Report
5. Contested Case Status Report

Members of the department will be present to expand upon these reports and answer questions.

(Reports are shown on the following 14 pages)

IOWA DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
RULEMAKING STATUS REPORT  
December 1, 1992

PROPOSAL	NOTICE TO COMMISSION	NOTICE PUBLISHED	RULES REVIEW COMMITTEE	HEARING	FINAL SUMMARY TO COMMISSION	RULES ADOPTED	RULES PUBLISHED	RULE EFFECTIVE
1. Ch. 1 - Conflict of Interest	*1/19/93	*2/ /93	*3/ /93	*3/ /93	-----	-----	-----	-----
2. Ch. 20, 22-25,29 - Air Quality Rule Updates	8/17/92	9/16/92	10/13/92	10/20/92 10/21/92 10/22/92	12/21/92	*12/21/92	*1/20/93	*2/24/93
3. Ch. 42 - Water Supply Laboratory Certification	12/21/92	*1/20/93	*2/ /93	*2/ /93	-----	-----	-----	-----
4. Ch. 61 - Stream Use Designation	*1/19/93	*2/17/93	*3/ /93	*3/ /93	-----	-----	-----	-----
5. Ch. 100 & 102 - Permits Special and Infectious Waste	*1/19/93	*2/17/93	*3/ /93	*3/ /93	-----	-----	-----	-----
6. Ch 102 - Financial Assurance Mechanism for Closure and Post-Closure Costs at Sanitary Disposal Projects	10/19/92	11/11/92	12/01/92	12/01/92 12/02/92 12/03/92	*1/19/93	*1/19/93	*2/17/93	*3/24/93
7. Ch. 135 - UST/Ability to Pay	*1/19/93	*2/17/93	*3/ /93	*3/ /93	-----	-----	-----	-----
8. Ch. 211 - Regional Collection Centers for Household Hazardous Materials	11/16/92	*12/09/92	*1/ /93	12/30/92	-----	-----	-----	-----

MONTHLY VARIANCE REPORT						
Month: November, 1992						
No.	Facility	Program	Engineer	Subject	Decision	Date
1.	Decatur County Soil & Water Conservation District and Decatur County Board of Supervisors-Site E6	Flood Plain	USDA - Soil Conservation Service	Storm/Storage Capacity	Approved	11/02/92
2.	Humboldt County	Flood Plain	Shuck-Britson, Inc.	Freeboard	Approved	11/19/92
3.	City of Glidden	Watersupply Construction	MER Engineering	Installation Procedures	Approved	11/12/92
4.	Interstate Power Company	Watersupply Construction	Interstate Power Company	Siting Criteria	Approved	11/17/92
5.	Archer Coop Elevator - O'Brien County	Watersupply Construction		Siting Criteria	Denied	11/30/92

## Report of Hazardous Conditions

During the period November 1, 1992 through November 30, 1992, reports of 74 hazardous conditions were forwarded to the Central Office. Two incidents are highlighted below. A general summary and count by field office is attached. These do not include releases from underground storage tanks, which are reported separately.

Date Reported and County	Description: Material, Amount, Date of Incident, Cause, Location, Impact	Responsible Party	Response and Corrective Actions
11/06/92 Scott	A driver noticed a 55 gallon drum leaking during a routine inspection of the cargo. Fifteen to twenty gallons of trichloroethane leaked onto the floor of the trailer. No injuries were reported.	J.B. Hunt PO Box 130 Lowell, Arkansas	The Bettendorf Fire Department responded to the incident. The leaking drum was placed in an overpack barrell. Absorbant material was placed on the spilled material and disposed.
11/05/92 Woodbury	An employee was treating a boiler with chemicals. The wrong valve was opened and 2000 gallons of .1% ammonium bicarbonate was released to the Missouri River. No aquatic life impacts were observed.	Midwest Power Box 778 Sioux City, IA	No action was required. The pH of the solution was 9. Discharges of solutions are allowed for a pH range of 6 to 9 units.

NUMBERS IN PARENTHESES REPRESENT REPORTS FOR THE SAME PERIOD IN FISCAL YEAR 1992

<u>Substance Type</u>					<u>Mode</u>					
Month	Total # of Incidents	Petroleum Product	Agri. Chemical	Other Chemicals and Substances	Handling and Storage	Pipeline	Highway Incident	RR Incident	Fire	Other
Oct.	83(87)	54(52)	8(4)	21(31)	51(42)	0(2)	25(24)	2(2)	0(0)	5(17)
Nov.	84(83)	46(56)	7(3)	21(22)	38(44)	1(1)	26(22)	0(0)	0(0)	9(13)
Dec.										
Jan.										
Feb.										
March										
April										
May										
June										
July										
August										
Sept.										

Total Number Of Incidents Per Field Office This Period:

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
10	6	7	9	14	28

## REPORTS OF RELEASES FROM UNDERGROUND STORAGE TANKS

During the period of November 1, 1992 through November 30, 1992, the following number of releases from underground storage tanks were identified.

5 (30)

The number in parentheses represents the number of releases during the same period in Fiscal Year 1991.

## NUMBER OF LUST CLEANUPS COMPLETED

During the period of November 1, 1992 through November 30, 1992, the following number of LUST cleanups were completed.

7 (532)

The number in parentheses represents the total number of LUST cleanups through March 31, 1992.

## Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Young Radiator Co., Centerville (5)	Wastewater	Pretreatment	Referred to AG	10/19/92
Centerville, City of (5)	Wastewater	Pretreatment	Referred to AG	10/19/92
Schleswig, City of (4)	Drinking Water	MCL-Nitrate; Public Notice	Order	11/10/92
Anthon, City of (3)	Wastewater	Discharge Limits	Referred to AG	11/16/92
Shirley Pecoy d/b/a Joe's Place, Sexton (2)	Underground Tank	Closure Investigation	Referred to AG	11/16/92
Ron Moore d/b/a 63-I80 Cafe, Malcom (5)	Drinking Water	Monitoring/Reporting-Nitrate; Other	Referred to AG	11/16/92
Vern Starling, Perry (5)	Solid Waste	Illegal Disposal	Referred to AG	11/16/92
Gantz Enterprises, Dubuque (1)	Air Quality	Open Burning	Order/Penalty	11/17/92
Hanlontown, City of (2)	Drinking Water	Monitoring/Reporting-Bacteria, Organics	Order/Penalty	11/17/92
Hidden Acres Christian Center, Dayton (2)	Drinking Water	Monitoring/Reporting-Nitrate	Order/Penalty	11/17/92
Beeds Lake Homeowners Assn., Hampton (2)	Drinking Water	Monitoring/Reporting-Other Inorganics	Order/Penalty	11/17/92
College Springs, City of (4)	Drinking Water	Monitoring/Reporting-Radioactivity	Order/Penalty	11/17/92
Wildwood First Addition Water Service Co., Toddville (1)	Drinking Water	MCL - Bacteria	Amended Order Revocation	11/17/92
Clair-View Acres Store, Delhi (1)	Drinking Water	Operation Without Permit	Order	11/17/92
Charles Hennaman, Mitchell County (2)	Solid Waste	Illegal Disposal	Order/Penalty	11/17/92
William D. Ames, Woodbury County (3)	Solid Waste	Illegal Disposal	Order/Penalty	11/17/92
Lakeview Knolls Homeowners Assn., Solon (6)	Drinking Water	Monitoring/Reporting-Nitrate, Other Inorganics	Order/Penalty	11/17/92
Balbort Beverage Co., Inc., Burlington (6)	Underground Tank	Closure Investigation	Order/Penalty	11/17/92
Jay Roy and Roy's, Inc. d/b/a Jay's Service, Inc., Des Moines (5)	Underground Tank	Site Assessment	Order/Penalty	11/17/92
David Jacobsma, Arnolds Park (3)	Underground Tank	Closure Investigation	Order	11/17/92
Dennis Doud d/b/a D & D Tire, Moravia (5)	Underground Tank	Closure Investigation	Order	11/17/92
Tim Sharp, Clinton (6)	Underground Tank	Site Check	Order/Penalty	11/17/92
Don L. Fauser d/b/a Fauser Oil Co., Inc., Elgin (1)	Underground Tank	Illegal Deposit	Order/Penalty	11/17/92
Jack Link Truck Line, Inc., Dyersville (1)	Underground Tank	Closure Investigation	Order/Penalty	11/17/92 -



## Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Orville Reid, Jr. (Cedar County)	WW	500	8-20-92
Don Grothe d/b/a Don's Motor Mart (Lake Mills)	UT	300	9-10-92
Delano's Lounge (Washington)	WS	500	9-20-92
Des Moines, City of	WW	1,000	9-20-92
Midway Water & Lighting (Marion)	WS	860	10-07-92
Robert Plendl d/b/a Plendl Bros. Trucking (Kingsley)	UT	300	10-15-92
Seven Ponds Park (Des Moines County)	WS	535	11-03-92
Rankin Roofing & Siding Co. (Knoxville)	AQ	500	11-09-92
Ron Jungling d/b/a Jungling Texaco (Wellsburg)	UT	550	11-18-92
Sioux Harbor Enterprises (Sioux City)	UT	1,000	11-23-92
James J. Bielfeldt (Crawford Co.)	FP	600	11-26-92
Buffalo Bill Estates, Inc. (Camanche)	WS	415	11-29-92
Harrison County Landfill	SW	1,000	11-30-92
Marvin Kruse d/b/a K & C Feeds (Luana)	UT	300	12-01-92
Reed's Interstate Sales (New Virginia)	WS	525	12-16-92
Breeden Shop Building (Linn Co.)	FP	200	12-16-92
Rutland, City of	WS	200	12-19-92
Lawrence Fritz (Lee Co.)	WW	100	12-27-92
Hidden Acres Christian Center (Dayton)	WS	200	1-19-93
Lakeview Knolls Homeowners Assn. (Solon)	WS	280	1-20-93
William D. Ames (Woodbury Co.)	SW	1,000	1-20-93
Gantz Enterprises (Dubuque)	AQ	1,000	1-20-93
Hanlontown, City of	WS	215	1-23-93
College Springs, City of	WS	250	1-24-93
Dennis Doud d/b/a D & D Tire (Moravia)	UT	300	1-24-93
Jay Roy; Roy's Inc. d/b/a Jay's Service (Des Moines)	UT	1,000	1-24-93
Tim Sharp (Newton)	UT	1,000	1-25-93
Fausser Oil Company, Inc. (Elgin)	UT	1,000	1-25-93
Balport Beverage Co. (Burlington)	UT	300	1-25-93
Jack Link Truck Line, Inc. (Dyersville)	UT	300	1-25-93
Beeds Lake Homeowners Assoc. (Hampton)	WS	300	1-30-92
Carson Grain & Implement (Coggon)	UT	1,000	-----
Tony Hoyt d/b/a Lake Wilderness (Lee Co.)	SW	1,000	-----
Charles Hennaman (Mitchel Co.)	SW	450	-----

The following cases have been referred to the Attorney General:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
OK Lounge (Marion)	WS	448	11-01-87
Richard Davis (Albia)	SW	1,000	2-28-88
Eagle Wrecking Co. (Pottawattamie Co.)	SW	300	5-07-89
*Twelve Mile House (Bernard)	WS	119	5-20-89
*Lawrence Payne (Ottumwa)	SW	425	6-19-89
William L. Bown (Marshalltown)	SW	1,000	10-01-89
Wellendorf Trust (Algona)	AQ/SW	460	2-12-90
Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Amoco Oil Company (Des Moines)	UT	1,000	8-15-90
Gerald G. Pregler (Dubuque Co.)	SW	1,000	9-02-90
Donald R. Null (Clinton Co.)	AQ/SW	1,000	9-06-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Fred Varner (Worth Co.)	SW	950	4-11-91
Honey Creek Camping Resort (Crescent)	WS	245	6-13-91
F.R. Thomas/F.R. Thomas, Jr. d/b/a Clair View Acres Store (Delhi)	WS	1,000	8-04-91
*M & W Mobile Home Park (Muscatine)	WW	200	8-21-91
Vern Starling (Boone Co.)	SW	690	9-15-91
Capitol Oil Co. d/b/a Dakota MHP (Iowa City)	WW	1,000	11-03-91
Lloyd Dunton (Iowa Co.)	SW	300	11-07-91
Vincent Martinez d/b/a Martinez Sewer (Davenport)	HC	500	1-01-92
Vernus Wunschel d/b/a Wunschel Oil Co. (Ida Grove)	UT	300	1-12-92
Dilts Trucking, Inc. (Crescent)	UT	500	1-12-92
R.D. Loftin, DVM (Osage)	UT	300	2-12-92
Bernard Sadler/Ger-Mar Farms (Allamakee Co.)	SW	500	3-28-92
Kenneth Bode (Mills Co.)	SW	300	4-27-92
Van Hulzen Oil Company (Oskaloosa)	UT	700	4-27-92
*Todd D. Behounek and Paul Behounek (Tama Co.)	SW	100	5-21-92
V.R. Dillingham d/b/a Barb's Service (Everly)	UT	600	5-21-92
Leonard Page d/b/a Kent Store (Kent)	UT	300	5-25-92
Tandem Oak Park Associates (Ft. Dodge)	WS	405	6-03-92
Dick White (Washington County)	AQ	250	8-15-92
Central Paving Corporation (Indianola)	UT	300	8-20-92
Marion Stark (Kellerton)	UT	300	8-26-92
Shirley Pecoy d/b/a Joe's Place (Sexton)	UT	300	10-19-92
63-80 Cafe (Malcom)	WS	1,000	10-22-92

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Amoco Oil Co. (Des Moines)	UT	1,000
Iowa City Regency MHP (Iowa City)	WW	1,000
1st Iowa State Bank (Albia)	SW	1,000
Cloyd Foland	FP	800
Amoco Oil Co. (West Des Moines)	UT	1,000
Sioux City, City of	WW	1,000
Des Moines, City of	HC	1,000
Van Dusen Airport Services (Des Moines)	HC	1,000

Maple Crest Motel and MHP (Mason City)	WS	350
Chicago & North Western Transportation, et.al.	SW	1,000
Joe Eggers, Jr., et.al. (St. Ansgar)	SW	1,000
McDowell Dam #1 (Lee Co.)	FP	500
McDowell Dam #2 (Lee Co.)	FP	500
Oskaloosa Food Products Corp. (Oskaloosa)	WW	1,000
Oskaloosa, City of	WW	1,000
Westside Park for Mobile Homes (Lee Co.)	WW	250
Casey's General Store (Redfield)	UT	1,000
Tower Club (Cresco)	WS	400
Wiota, City of	WS	500
Hickory Hollow Water Co. (Ankeny)	WS	400
Dell Oil Ltd. (Sioux City)	HC	1,000
Nordstrom Oil Company (Cedar Rapids)	HC	1,000
White Consolidated/Frigidaire Co. (Jefferson)	WW	1,000
D. Frank/D. Steib/Interstate Salvage (Webster Co.)	AQ	600
Linden, City of	WS	1,000
William H. Viner (Emerson)	UT	600
Partners-Four-Investments, Inc. (Rockwell)	UT	700
Farmers Cooperative Elevator (Martelle)	HC	1,000
Partners-Four-Investments, Inc. (Marble Rock)	UT	700
Community Cooperative Oil Co. (Marcus)	UT	600
Community Cooperative Oil Co. (Paullina)	UT	600
Community Cooperative Oil Co. (Remsen)	UT	600
Humboldt County Sanitary Landfill Commission	SW	1,000
Wayne Transportation, Inc. (Greene)	WW	1,000
Mulgrew Oil Company (Dubuque)	HC	500
Clement Auto and Truck, Inc. (Webster City)	UT	500
John Staub d/b/a Mr. Convenient (Burlington)	UT	600
Charles Kerr (Sloan)	UT	600
Swaledale, City of	WS	400
Stringtown Country Cafe (Lenox)	WS	1,000
Lincoln Farm and Home Service (Henderson)	WW	1,000
Joslin Enterprises, Ltd. (Anamosa)	UT	600
Country Estates Mobile Home Park (Long Grove)	WS	765
Chickasaw Co. SLF, et.al. (Chickasaw Co.)	SW	1,000
Richard Newman (Des Moines Co.)	SW	500
Gerks Seasonal MHP and Resort (Spirit Lake)	WS	200
Plymouth Cooperative Oil Co. (Hinton)	WW	1,000
LaVerne Rehder (Union)	UT	300
PAM Fuels, Inc. (Milford)	UT	1,000
Randy Bonin/Vickie Brannick (Hardin Co.)	SW	500
Ida County Sanitary Landfill (Ida Co.)	SW	1,000
Dean Hoeness d/b/a Hoeness & Sons (Winterset)	UT	300
Waste Systems Corp./Ronald Roth (Winnebago Co.)	SW	1,000
Timberlane Addition (Ft. Dodge)	WS	500
Decatur, City of	UT	600
Leisure Lake Inn (Bernard)	WS	880
South High Point Well Assn. #1 (Iowa City)	WS	600
Case Power and Equipment (Decorah)	WS	500
Cedar Valley Corporation (Waterloo)	AQ	1,000
King's Terrace Mobile Home Court (Ames)	WW	500
ITWC, Inc. (Malcom)	AQ	1,000
Donald Ferkle (Muscatine Co.)	AQ	600
Lloyd Decker (Floyd Co.)	SW	1,000
Eldon Krambeck (Scott Co.)	AQ	1,000
United Tile & Brick (Adel)	WW	1,000
Country Mobile Home Court (New Hampton)	WS	845
Albert Rohwer/Chelmer Flynn (Scott Co.)	SW	1,000
Bernard Gavin Veterinary Clinic (Wellsburg)	UT	600
DeWayne McCoy d/b/a DeWayne's Auto Sales (Newton)	UT	300
Waucoma, City of	WS	200
Tracy Below (Hardin Co.)	WW	1,000
Cargill, Inc./Walnut Grove Research (Cass Co.)	WW	1,000
Grand Laboratories, Inc. (Larchwood)	WW	1,000
Frank Hulshizer (Benton Co.)	SW	500
Cargill, Inc. (Eddyville)	SW/WW	1,000

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Monona Co. SLF/Ronald L. Hanson (Monona Co.)	SW	1,000
Hoover Hatchery, Inc. (Floyd Co.)	SW	300
W. Reschly d/b/a Reschly Metals (Washington Co.)	AQ	250
Cedar Springs Wesleyan Camp (Floyd)	WS	200
North Liberty Water, Inc. (Johnson County)	WS	300
Buffalo Bill Estates, Inc. MHP (Camanche)	WS	940
Kris Ehlinger d/b/a K.J.'s Convenience (LeClaire)	UT	514
Rockford Golf and Country Club (Rockford)	WS	100
Sunny Brae Golf & Country Club (Osage)	WS	200
Rudd Brothers Tire (Drakesville)	UT	300
Gold Slipper (Dunlap)	WS	75
Charlie Fox d/b/a Charlie's Standard (Hamburg)	UT	600
Kingsbury Inn (Columbus Junction)	WS	200
Gary Lund d/b/a Lund Construction (Wright Co.)	SW	300
Saunders Oil Company (Sioux City)	UT	2,000
Dairy Mart (Ainsworth)	WS	150
Plymouth County Solid Waste Agency	SW	250
TOTAL		7,679

The \$50 penalty assessed to Pony Creek Park/Mills County Conservation Board has been rescinded.

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
A's Corner Oil Co. Carroll (4)		Hazardous Condition	Remedial Action	Order	Referred	12/16/91
American Meat Protein Corp Lytton (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed	10/21/91 4/30/92
Ames Golf & Country Club Ames(5)		Wastewater	Op. Violations Effluent Limits	Referred to Attorney General	Referred	8/19/91
Amoco Oil Company Des Moines (5)		Underground Tank	Referred to Remedial Action	Referred Attorney General	Referred Suit Filed Trial Date	8/21/90 10/15/90 9/27/91 3/29/93
Anthon, City of (3)	New	Wastewater	Discharge Limits	Order	Referred	11/16/92
Archer Daniels Midland Co. Clinton County (6)		Wastewater Air Quality	Prohibited Discharge Emission Stds	Referred to Attorney General	Referred Amended Petition Filed Referred Petition Filed Trial Date	3/18/91 10/28/91 5/20/91 10/04/91 1/18/93
Behounek, Paul and Todd Tama (5)		Air Quality	Open Burning	Referred to Attorney General	Referred	5/18/92
Bell Watcher, Inc. Poweshiek Co. (5)	Updated	Wastewater	Operation Violations	Referred to Attorney General	Referred Consent Decree Reactivated Application for Stipulated Penalty Consent Decree (\$6,600/Civil)	9/20/89 4/23/90 12/23/91 9/04/92 11/09/92
Birusingh, Kirshna A. Crescent (4)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	6/15/92
Boley, Fred d/b/a Boley Oil McCauley (6)	Updated	Hazardous Condition	Remedial Action	Order	Referred Site Investigation Plan	2/17/92 9/03/92
Bridgestone/Firestone, Inc. Des Moines (5)		Wastewater Hazardous Condition	Prohibited Discharge/ Failure/Notify	Referred to Attorney General	Referred Trial Information Filed	5/21/90 7/06/92
Bryant, Robert D V.M. d/b/a Cherokee Hog Farms Aurelia (3)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Information Trial Set	7/15/91 5/19/92 1/ //93
Buffalo Bill Estates, Inc. Camanche (6)	Updated	Drinking Water	Mtrg/Rprtg- Nitrate	Order/Penalty	Referred Motion for Summary Judgment Admin. Penalty Paid (\$940)	6/17/91 9/03/92 11/05/92
Buffalo Bill Estates, Inc. Clinton County (6)	Updated	Drinking Water	Mtrg/Rprtg- MCL - Bacteria	Order/Penalty	Referred Motion for Summary Judgment Admin. Penalty Paid (See entry above)	12/16/91 9/03/92 11/05/92
Capitol City Oil Co. d/b/a Dakota Mobile Home Park Iowa City (6)		Wastewater	Monitoring/ Reporting	Order/Penalty	Referred	2/17/92
Carney, Don and Gertrude Ft. Dodge (2)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	4/15/91 3/25/92
Centerville, City of (5)	New	Wastewater	Pretreatment	Order/Penalty	Referred	10/19/92
Central Paving Corp. Indianola (5)		Underground Tank	Closure Investigation	Order/Penalty	Referred	10/19/92

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Chalfant, Milo, et al. Webster City (2)	Updated	Solid Waste	Illegal Disp.	Order/Penalty	Referred Suit Filed Trial Date Consent Decree Injunction	9/20/89 8/08/90 4/08/92 10/29/92
Chicago, Central and Pacific R.R. Ft. Dodge (2)		Wastewater	Mtrg/Rprtng Effluent Limits	Referred to Attorney General	Referred	9/21/92
Chicago & Northwestern Transportation Co. Blue Chip Enterprises Hawkeye Land Company Iowa Falls (2)		Hazardous Condition	Remedial Action	Order	Petition for Judicial Review Petition for Judicial Review Petition for Judicial Review Order/Change Venue to Hardin Co. Motion to Consolidate Brief Due Respondent's Brief Due Reply Brief Due Oral Arguments	8/19/91 8/14/91 9/16/91 11/21/91 12/31/91 9/01/92 10/16/92 11/16/92 12/03/92
Chicago & Northwestern Transportation Co. Stanwood (6)		Air Quality	Open Burning	Referred to Attorney General	Referred	5/07/92
Cota Industries, Inc. Des Moines (5)	Updated	Hazardous Condition	Remedial Action	Order	Referred	4/15/91
				Order	Petition for Judicial Review Motion to Dismiss Order Granting Motion to Dismiss Notice of Appeal Appellant Filed Brief State Filed Brief Oral Arguments Affirmed	4/18/91 5/08/91 7/23/91 8/13/91 11/11/91 1/10/92 9/17/92 10/21/92
Dillingham, V.R. Everly (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	6/15/92
Dilts Trucking, Inc. Crescent (4)	Updated	Underground Tank	Closure Investigation	Referred to Attorney General	Referred Motion for Judgment	4/20/92 12/02/92
Dunton, Lloyd Iowa County (6)		Solid Waste	Illegal Disp.	Order/Penalty	Referred Petition Filed	12/16/91 8/26/92
Ecology Enterprises, Inc; Hollis D. DeVoe; Michael Murray; Robert Rausch Chickasaw County (1)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	6/15/92
Ehlinger, Kris d/b/a K.J.'s Convenience & Deli Maquoketa (6)	Updated	Underground Tank	Site Check	Order/Penalty	Referred Motion for Judgment Consent Decree (\$514/Admin.)	8/17/92 10/06/92 11/05/92
Ervin, Don Webster County (2)		Solid Waste	Operation Without Permit	Order/Penalty	Referred Motion for Summary Judgment Hearing Held Judgment for \$1,000 Execution & Order to Levy Application to Condemn Funds Partial Payment Received (\$331)	4/16/90 6/02/90 7/02/90 7/13/90 9/28/90 11/27/90 11/30/90
			Permit Violations	Referred to Attorney General	Referred Temporary Injunction Contempt Hearing Order of Contempt Motion for Stay Order Granting Stay Contempt Reversed Application for Further Review	9/16/91 9/18/91 12/06/91 12/20/91 12/26/91 12/26/91 9/29/92 10/16/92
Faber, Don Des Moines (5)		Solid Waste	Illegal Disposal	Referred to Attorney General	Referred	5/18/92
First Iowa State Bank Albia (2)		Solid Waste	Open Dumping	Order/Penalty	Petition for Judicial Review Oral Argument Ruling on Petition for Judicial Review Notice of Appeal State Filed Brief	4/12/91 11/04/91 3/02/92 3/31/92 8/03/92

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Fox, Charlie Hamburg (4)	Updated	Underground Tank	Site Check	Order/Penalty	Referred Penalty Paid	6/15/92 11/16/92
Giese Construction Co. Ft. Dodge (2)		Solid Waste Air Quality Burning	Illegal Disposal; Open	Referred to Attorney General	Referred	5/29/92
Humboldt County Sanitary Landfill (2)		Solid Waste	Cover Violations; Other	Referred to Attorney General	Referred	5/29/92
IBP, inc. Columbus Junction (6)	Updated	Wastewater	DNR Defendant	Defense	Suit Filed Answered IBP Brief Filed State Brief Filed Oral Arguments Judgment for DNR Motion to Enlarge Resistance to Motion	3/17/92 4/03/92 5/26/92 7/31/92 9/22/92 10/28/92 11/06/92 11/23/92
Iowa City, City of (6)		Solid Waste	Cover Violations	Referred to Attorney General	Referred	4/20/92
Landfill of Des Moines, Inc. Des Moines #4 (5)		Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed	12/16/91 9/01/92
Landfill of Des Moines, Inc. Des Moines #5 (5)		Solid Waste	Compliance Schedule; Other	Order/Penalty	Referred Petition Filed	5/18/92 9/01/92
Loften, R. D. d/b/a Loften Veterinary Services Osage (2)		Underground Tank	Closure Investigation	Order/Penalty	Referred	4/20/92
Lucas-Monroe County Sanitary Landfill (5)		Solid Waste	Other	Referred to Attorney General	Referred	5/29/92
Lytton, City of (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred	5/18/92
Maasdam, Donald Rolfe (3)		Solid Waste	Operation Without Permit	Order	Referred Petition Filed	1/21/92 8/26/92
MacMillan Oil Co., Inc.; The Graham Group, Inc. Des Moines (5)		Wastewater	Prohibited Discharge; Remedial Action	Referred to Attorney General	Referred	7/20/92
Martinez, Vincent d/b/a Martinez Sewer Service Davenport (6)		Hazardous Condition	Remedial Action	Order/Penalty	Referred	2/17/92
Bob McKinnis Excavating & Grading v. IDNR		Hazardous Condition	DNR Defendant	Defense	Suit Filed DNR Motion to Dismiss Ruling on Motion to Dismiss and Bifurcation	3/12/91 5/01/91 3/26/92
Midwest Environmental Law Center v. EPC		Air Quality	DNR Defendant	Defense	Suit Filed Answer Filed Motion for Summary Judgment Hearing on Motion Summary Judgment Denied Trial Date	12/03/91 12/23/91 4/10/92 5/22/92 5/22/92 12/22/92
Monfort, Inc. Des Moines (5)	Updated	Wastewater	Prohibited Discharge	Referred to Attorney General	Referred Trial Info. Filed (Polk Co.) Pre-Trial Hearing Trial Date	12/11/89 7/19/91 7/31/92 1/ /93
Moore, Ron d/b/a 63-180 Cafe Malcom (5)	New	Drinking Water	Mtrg/Rprtng Nitrate; Other	Order/Penalty	Referred	11/16/92
New Virginia Sanitary District (5)		Wastewater	Mtrg/Rprtng	Referred to Attorney General	Referred Petition Filed	9/16/91 5/19/92

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Nollen, Harold d/b/a Nollen Phillips 66 Harlan (4)		Underground Tank	Closure Investigation	Referred to Attorney General	Referred	4/20/92
Orchard, City of (2)		Drinking Water	Mtrg/Rprtg MCL-Bacteria Operation Violations	Referred to Attorney General	Referred	6/17/91
Page, Leonard Kent (4)		Underground Tank	Closure Investigation	Order/Penalty	Referred	6/15/92
Pecoy, Shirley d/b/a Joe's Place Sexton (2)	New	Underground Tank	Closure Investigation	Order/Penalty	Referred	11/16/92
Pringle, Michael and Brenda d/b/a Follet's Tap Camanche (6)		Drinking Water	Mtrg/Rprtg Bacteria/Nitrate	Referred to Attorney General	Referred	6/15/92
Prins, John; Bradford Paving Bradford (2)		Underground Tank	Closure Investigation	Order	Referred	10/19/92
Sadler, Bernard and Ger Mar Farms, Inc. Allamakee Co. (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	9/21/92
Schultz, Albert and Iowa Iron Works Ely (1)		Solid Waste	Open Dumping	Referred to Attorney General	Referred Suit Filed Trial Date	9/20/89 8/08/90 4/19/93
Shelley, Roberto and Sally Guthrie Center (4)	Updated	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition Filed Trial Date Ruling (\$1,000/Admin.; Clean-up Ordered) Notice of Appeal Appellant's Brief	4/15/91 7/18/91 5/19/92 8/25/92 9/17/92 11/09/92
Smith, Don Dallas Center (5)		Underground Tank	Closure Investigation/ Failure to Register	Order	Referred	10/19/92
Soo Line Railroad Co. Mason City (2)		Wastewater  Haz. Condition	Prohibited Discharge Remedial Action	Referred to Attorney General	Referred	7/15/91
Stark, Marion Kellerton (4)		Underground Tank	Closure Investigation	Order/Penalty	Referred	10/19/92
Starling, Vern Perry (5)	New	Solid Waste	Illegal Disposal	Order	Referred	11/16/92
Stone City General Store Anamosa (1)	Updated	Drinking Water	Operation Without Permit; Mtrg/Rprtg -Nitrate	Order/Penalty	Referred Admin. Penalty Paid (\$300)	10/19/92 10/30/92
Sun Wise Systems Corp. Sac City (3)		Wastewater	Pretreatment	Referred to Attorney General	Referred Petition Filed Trial Date	10/15/90 11/27/91 1/26/93
Tama City of (5)		Wastewater	Discharge Limitations	Referred to Attorney General	Referred	6/15/92
Tandem-Oak Park Assoc. Fort Dodge (2)		Drinking Water	Mtrg/Rprtg Bacteria/Inorg. Organics/Rads.	Order/Penalty	Referred	7/20/92

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Name, Location and Region Number		Program	Alleged Violation	DNR Action	New or Updated Status	Date
Van Hulzen, Kenneth Oskaloosa (5)	Updated	Underground Tank	Closure Investigation	Order/Penalty	Referred Motion for Judgment	6/15/92 12/02/92
Vonderhaar, Leonard Holy Cross (1)		Air Quality	Open Burning	Referred to Attorney General	Referred	8/17/92
White, Dick Wellman (6)	Updated	Air Quality	Open Burning	Order	Referred Closed Administratively	10/19/92 11/25/92
Winterset, City of (5)		Wastewater	Effluent Limits	Referred to Attorney General	Referred	7/20/92
Wunschel, Vernus Ida Grove (3)		Underground Tank	Closure Investigation	Order/Penalty	Referred	2/17/92
Yentes, Clifford Council Bluffs (4)	Updated	Solid Waste	Illegal Disposal	Referred to Attorney General	Referred Petition Filed	4/20/92 11/23/92
Young Radiator Co. Centerville (5)	New	Wastewater	Pretreatment	Order	Referred	11/15/92

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-23-86	Oelwein Soil Service	Administrative Order	WW	Landa	Hearing continued.
5-12-87	Iowa City Regency MHP	Administrative Order	WW	Hansen	Letter received 10/92 requesting new schedule.
1-15-88	First Iowa State Bank	Administrative Order	SW	Kennedy	Appealed to Supreme Court.
2-05-88	Warren County Brenton Bank	Administrative Order	UT	Wornson	One of two sites closed-SCR completed on second.
3-01-88	Cloyd Foland	Administrative Order	FP	Clark	District Court dismisses other issues; Foland appeals to Supreme Court.
10-20-88	Worth Co. Co-Op Oil Northwood Cooperative Elevator Sunray Refining and Marketing Co.	Administrative Order	HC	Murphy	Ruling on dismissal/intervention 11/16/92. Petition for Judicial Review.
1-25-89	Amoco Oil Co. - Des Moines 7LTY03	Administrative Order	UT	Wornson	Settlement proposed. Clean-up progressing.
5-01-89	Amoco Oil Co. - West Des Moines	Administrative Order	UT	Wornson	Compliance initiated.
6-08-89	Shaver Road Investments	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Hawkeye Rubber Mfg. Co.	Site Registry	HW	Landa	Hearing continued. Discovery initiated.
6-08-89	Lehigh Portland Cement Co.	Site Registry	HW	Murphy	Hearing continued. Discovery initiated.

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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
6-12-89	Amana	Site Registry	HC	Landa	Negotiating before filing.
6-22-89	Chicago & Northwestern Transportation Co. Hawkeye Land Co. Blue Chip Enterprises	Administrative Order	HC	Landa	Petition for judicial review of agency action.
10-24-89	Farmers Cooperative Elevator Association of Sheldon	Site Registry	HC	Landa	Negotiation proceeding.
10-24-89	Consumers Cooperative Assoc.	Site Registry	HC	Landa	Negotiation proceeding.
11-03-89	Bridgestone/Firestone, Inc.	Site Registry	HC	Murphy	Hearing continued pending negotiations.
11-20-89	FFCA/IIP	Site Registry	HC	Murphy	Considering dismissal.
12-11-89	Leo Schachtner	Permit Issuance	FP	Clark	Proposed decision 5/14/92. Appealed.
4-23-90	Sioux City, City of	Administrative Order	WM	Hansen	Informal meeting held on 5/18/90.
5-08-90	Texaco Inc./Chemplex Co. Site	Site Registry	HW	Landa	Settlement proposed.
5-14-90	Van Dusen Airport Services	Administrative Order	HC	Landa	Compliance initiated.
5-14-90	Alter Trading Corp. (Council Bluffs)	Administrative Order	SW	Kennedy	Negotiating before filing.
5-15-90	Des Moines, City of	Administrative Order	HC	Landa	Hearing continued. Settlement proposed.
6-20-90	Des Moines, City of	NPDES Permit Cond.	WM	Hansen	City response reviewed by EPD.
6-26-90	Maple Crest Motel and Mobile Home Park	Administrative Order	WS	Hansen	Negotiating settlement/letter sent 7/31/92.
7-02-90	Keokuk Savings Bank and Trust Keokuk Coal Gas Site	Site Registry	HW	Landa	Hearing continued.
7-11-90	Chicago & Northwestern Co.; Steve L. Carroll; Susan E. and Tracy A. Carroll	Administrative Order	NR	Kennedy	New orders issued 12/28/90 rescinding prior orders.
11-20-90		Administrative Order	SW	Kennedy	Settlement pending.
7-23-90	IBP, inc. Perry	Administrative Order NPDES Permit	WM	Hansen	Final amended permit issued 8/14/92.
7-26-90	Plymouth County SW Agency	Administrative Order	SW	Kennedy	Settled.
7-30-90	Key City Coal Gas Site; Murphy Trust & Howard Pixler	Site Registry	HW	Landa	Decision appealed (Pixler). Motion to intervene denied 2/17/91 (Murphy Trust)
8-01-90	J.I. Case Company	Site Registry	HW	Preziosi	Hearing set for 1/29/93.
9-10-90	IBP, inc. Columbus Junction	Administrative Order NPDES Permit	WM	Hansen	Appealed to Polk Co. District Court. Judgment for DNR - 10/28/92.
9-12-90	Michael & Joyce Haws; George M. Gronau	Administrative Order	UT	Wornson	Attorney finalizing settlement.
9-20-90	Duane Schwarting	Variance Denial	SW	Kennedy	Hearing continued.
10-15-90	Westside General Store Corp.	Administrative Order	UT	Wornson	Amended AO for SCR.
10-18-90	Harlan Pruess	Claim	HC	Murphy	Hearing held 10/01/92. Briefs due 12/04/92.
11-15-90	Springwood Enterprises, Inc.	Water Use Permit	WR	Clark	Hearing continued.
12-04-90	United States Gypsum Company	Administrative Order	SW	Kennedy	Negotiating before filing.
12-21-90	Des Moines, City of	Administrative Order	UT	Wornson	Settlement proposed.
12-27-90	McAtee Tire Service, Inc.	Administrative Order	SW	Kennedy	Hearing continued.
1-07-91	Joe E. Eggers, Jr.; Joe and Mary Eggers	Administrative Order	SW	Kennedy	Negotiating before filing.



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DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
1-09-91	Iowa Southern Utilities	Administrative Order	HC	Preziosi	Hearing continued to 2/09/93.
1-28-91	McDowell Dam #1 & #2	Administrative Order	FP	Clark	Negotiating before filing.
3-08-91	ADM - Cedar Rapids	Conditional Permit	AQ	Preziosi	Negotiating settlement.
3-22-91	Mitchell Bros. Boars and Gilts	Administrative Order	WW	Murphy	Negotiating before filing.
5-09-91	Oskaloosa Food Products Corp.	Administrative Order	WW	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-16-91	Oskaloosa, City of	Administrative Order	WW	Hansen	Letter sent 9/4/92 regarding resolution of appeal.
5-20-91	Great Rivers Coop--Lockridge	Site Registry	HC	Murphy	Settlement proposed.
7-15-91	Des Moines Independent School District - North High School	Site Registry	HC	Murphy	Hearing continued.
7-22-91	Rupp Tire	Administrative Order	UT	Wornson	Hearing postponed. Consent order proposed..
7-24-91	Alter Trading Corp. (Davenport)	Administrative Order	SW	Kennedy	Negotiating before filing.
7-27-91	Chicago North Western; Dennis Bell; Phillips Petroleum; Amoco Oil Co.	Administrative Order	HC	Murphy	Hearing continued. Compliance initiated.
8-29-91	Iowa Southern Utilities	Certificate to Construct	AQ	Preziosi	Utility Board hearing set for 12/16/92.
9-04-91	Duane Arnold Energy Center	Permit Condition	WW	Hansen	Information received 3/16/92; under review by EPD.
9-16-91	Monona Co. SLF Agency	Administrative Order	SW	Kennedy	Consent order 9/15/92.
9-25-91	Archer Daniels Midland	Administrative Order	SW	Kennedy	Negotiating before filing.
9-27-91	Battle Creek, City of	Administrative Order	WS	Hansen	WS section approved site for new wells 10/1/92.
10-02-91	IBP, Inc. - Storm Lake	Permit Conditions	WW	Hansen	Negotiating before filing.
10-30-91	West Liberty, City of	Permit Conditions	WW	Hansen	Negotiating before filing; under review by EPD.
11-07-91	Casey's General Store (Redfield)	Administrative Order	UT	Wornson	Settled.
12-03-91	State Central Bank	Administrative Order	UT	Wornson	Closure complete - need report.
12-05-91	Tower Club	Administrative Order	WS	Hansen	Report submitted to EPD/under review by WS.
12-31-91	Linden Water Supply	Administrative Order	WS	Hansen	Dept. letter to City attorney - 11/25/92 regarding failure to submit permit application.
1-07-92	Wiota, City of	Administrative Order	WS	Hansen	Preliminary engineering report reviewed by WS. Schedule requested by WS.
1-17-92	Hickory Hollow Water Co.	Administrative Order	WS	Hansen	Ltr. received 7/28/92 regarding compliance.
1-21-92	Dell Oil, Ltd.	Administrative Order	HC	Wornson	Briefing scheduled.
1-30-92	Center Oil Co., Inc.	Administrative Order	HC	Murphy	Negotiating before filing.
2-14-92	Ossian Chemical, Inc.	Administrative Order	AQ	Preziosi	Settled.
2-25-92	Nordstrom Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
2-28-92	William H. Viner	Administrative Order	UT	Wornson	Consent order being drafted.
3-12-92	Farmers Cooperative Elevator - Martelle	Administrative Order	HC	Murphy	Negotiating before filing.
3-23-92	Partners-Four Investments-Rockwell	Administrative Order	UT	Wornson	Penalty settlement proposed.

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3-23-92	Partners-Four Investments-Marble Rock	Administrative Order	UT	Wornson	Penalty settlement proposed.
3-30-92	White Consolidated Industries	Administrative Order	WW	Hansen	Negotiating before filing.
4-03-92	Charles P. Schafer; Stringtown Properties; First Community National Bank	Administrative Order	UT	Wornson	Hearing set for 1/11/93.
4-06-92	Community Cooperative Oil Co. - Marcus	Administrative Order	UT	Wornson	Penalty settlement proposed.
4-07-92	Humboldt Co. Sanitary Landfill	Administrative Order	SW	Kennedy	Hearing continued to 12/17/92.
4-09-92	Wayne Transports, Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
4-13-92	Stringtown Country Cafe	Administrative Order	WS	Hansen	Emergency AO issued supplementing 2nd Emergency AO
4-14-92	Clement Auto & Truck, Inc.	Administrative Order	UT	Wornson	Negotiating penalty offer.
4-15-92	Mulgrew Oil Co.	Administrative Order	HC	Murphy	Negotiating before filing.
4-16-92	Swaledale, City of	Administrative Order	WS	Hansen	City report submitted 10/23/92.
4-17-92	John M. Staub d/b/a Mr. Convenient	Administrative Order	UT	Wornson	Hearing scheduled for 12/11/92.
4-24-92	Charles A. Kerr	Administrative Order	UT	Wornson	Financial inability claimed. Requesting document.
4-30-92	Poweshiek Water Assoc.	Administrative Order	WS	Hansen	Negotiating before filing.
5-05-92	Lincoln Farm & Home Service	Administrative Order	WW	Murphy	Negotiating before filing.
5-05-92	Plymouth Cooperative Oil Co.	Administrative Order	WW	Murphy	Negotiating before filing.
5-12-92	Paris & Sons, Inc.	Site Registry	HC	Murphy	Negotiating before filing.
5-15-92	Heartland Lysine, Inc.	Tax Certification	AQ	Preziosi	Negotiating before filing.
5-27-92	Beckett Chevrolet-Olds	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
6-05-92	Wilson Foods	Permit Denial	AQ	Preziosi	Negotiating before filing.
6-10-92	Marjorie Jarvis	Administrative Order	UT	Wornson	Hearing set for 12/15/92.
6-15-92	Country Estates MHP	Administrative Order	WS	Clark	Negotiating before filing.
6-15-92	Rockford Golf & Country Club	Administrative Order	WS	Clark	Penalty paid. Settled.
6-23-92	Chickasaw County Board of Supervisors, Chickasaw Co. SLF	Administrative Order	SW	Kennedy	Negotiating before filing.
6-24-92	Karl Ludwig; Jena, Inc.; Molo Oil Co.; TFM Co.	Administrative Order	UT	Wornson	Hearing set for 1/19/93.
6-26-92	Waste Systems Corp. and Robert Roth d/b/a Winnebago County Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Richard A. Newman	Administrative Order	SW	Kennedy	Negotiating before filing.
7-01-92	Des Moines Independent School District-North High	Administrative Order	WW	Murphy	Negotiating before filing.
7-15-92	Gerks Seasonal MHP and Resort	Administrative Order	WS	Hansen	Follow-up letter sent 11/25/92.
7-17-92	PAM Fuels, Inc.	Administrative Order	UT	Wornson	Settlement proposal sent.
7-24-92	LeVerne Rehder	Administrative Order	UT	Wornson	Compliance with closure; negotiating penalty.

DEPARTMENT OF NATURAL RESOURCES  
ENVIRONMENTAL PROTECTION COMMISSION  
CONTESTED CASES  
DECEMBER 1, 1992

DATE RECEIVED	NAME OF CASE	ACTION APPEALED	PROGRAM	ASSIGNED TO	STATUS
8-06-92	Randy Bonin and Vickie Brannick	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Ida County Sanitary Landfill	Administrative Order	SW	Kennedy	Negotiating before filing.
8-13-92	Iowa Conference of the United Church of Christ	Administrative Order	FP	Clark	Negotiating before filing.
8-24-92	Dean Hoeness d/b/a Hoeness & Sons	Administrative Order	UT	Wornson	Financial inability claimed. Request documents.
8-27-92	Decatur City, City of	Administrative Order	UT	Wornson	Negotiating before filing - follow-up.
8-31-92	Leisure Lake Inn	Administrative Order	WS	Hansen	DNR letter sent 11/25/92.
8-31-92	Cedar Valley Corp.	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-02-92	South High Point Well Assn. #1	Administrative Order	WS	Hansen	Sent to DIA.
9-03-92	Case Power and Equipment	Administrative Order	WS	Hansen	Letter from Case's attorney dated 10/16/92. DNR response - 10/22/92.
9-14-92	Lisbon, City of	Administrative Order	WS	Clark	Negotiating before filing.
9-21-92	Buffalo Bill Estates, Inc.	Administrative Order	WS	Clark	Negotiating before filing.
9-21-92	ITWC	Administrative Order	AQ	Preziosi	Negotiating before filing.
9-22-92	King's Terrace MHP	Administrative Order	WW	Murphy	Negotiating before filing.
9-28-92	Don Ferkel	Administrative Order	AQ	Preziosi	Settlement close.
10-06-92	Lloyd Decker	Administrative Order	SW	Kennedy	Negotiating before filing.
10-07-92	E. Kent and Joan Cooper	Administrative Order	UT	Wornson	Hearing set.
10-12-92	Sioux City Brick & Tile Co.	Administrative Order	WW	Hansen	Informal meeting held 11/16/92.
10-12-92	Eldon Krambeck	Administrative Order	AQ	Preziosi	Negotiating before filing.
10-16-92	Country Mobile Home Court	Administrative Order	WS	Hansen	Application for construction permit approved. Settlement offer made 11/25/92.
10-16-92	Ron Jungling d/b/a Jungling Service	Administrative Order	UT	Wornson	Confirming compliance.
10-16-92	Ames, City of; Cy-Ride	Permit Denial	AQ	Preziosi	Negotiating before filing.
10-28-92	Albert Rohwer, Jr.	Administrative Order	SW	Kennedy	New case.
11-02-92	Gary Lund d/b/a Lund Construction	Administrative Order	SW	Kennedy	Settled.
11-05-92	DeWayne McCoy d/b/a DeWayne's Auto Sales	Administrative Order	UT	Wornson	Reviewing financial documents.
11-13-92	Waucoma, City of	Administrative Order	WS	Clark	New case.
11-13-92	Cargill Incorporated d/b/a Walnut Grove Products	Administrative Order	WW	Murphy	Negotiating before filing.
11-13-92	Tracy Below	Administrative Order	WW	Murphy	Negotiating before filing.
11-16-92	Grand Laboratories Inc.	Administrative Order	WW	Murphy	Negotiating before filing.
11-16-92	Frank Hulshizer	Administrative Order	SW	Kennedy	New case.
11-23-92	Cargill, Inc.	Administrative Order	SW/WW	Kennedy	Informal meeting 12/4/92.

Mr. Stokes reviewed the routine monthly reports.

Charlotte Mohr asked about the results of the Harlan Pruess hearing.

Mike Murphy, Compliance and Enforcement Bureau, stated that the hearing was held in October and it is in the "brief filing process" until December 31. The Administrative Law Judge decision will occur after that.

INFORMATIONAL ONLY
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### **1992 ANNUAL REPORT: REGISTRY OF HAZARDOUS WASTE SITES**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Section 455B.427 of the Code of Iowa requires the Director of the Department of Natural Resources to transmit a report to the General Assembly and the Governor each January first regarding those sites listed on the Registry of Hazardous Waste or Hazardous Substance Disposal Sites.

Section 455B.425 of the Code of Iowa requires the Director of the Department of Natural Resources to give a full account to the General Assembly and the Governor each January first regarding the Hazardous Waste Remedial Fund.

The 1992 report has been prepared to fulfill both of these obligations. This report will be submitted to the General Assembly and the Governor after the December 1992 Commission meeting. The report will be distributed at the Commission meeting.

(A copy of the report is on file in the department's Records Center)

Mr. Stokes explained that the report provides a summation of the sites that are on the list, a summation of the activities of the department in adding to or deleting from the list, as well as a summary recap of the financial status of the hazardous waste remedial fund. Mr. Stokes noted that the report lists 66 sites located in 39 counties and a map of those sites is contained in the report.

Discussion followed regarding various costs for monitoring and cleanup of specific sites.

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### **PUBLIC PARTICIPATION**

Chairperson Hartsuck announced public participation at 10:45 a.m.; no one requested to speak.

**APPOINTMENT - KRISTI HIRSCHMAN, ORGANIC TECHNOLOGIES**

Kristi Hirschman addressed the Commission presenting an overview of Organic Technologies. She stated that her company is a privately owned composting facility located south of Des Moines. She circulated a sample of compost from yard waste, produced by Organic Technologies. Ms. Hirschman stated that her main reason for coming before the Commission relates to the department's legislative proposal to require local governments to establish procurement policies which would encourage use of products with recycled content. She urged the Commission to specify compost as a recycled content material in that legislative proposal. Ms. Hirschmann also suggested that the department change their definition of yard waste as it currently excludes fruits, nuts and materials from flower houses and greenhouses. She added that this would help reduce what is going to be buried in the landfill and these materials are totally compostable. She related that there is a need to make composting more cost effective.

Discussion followed regarding the collection of yard waste in paper bags and biodegradable bags and problems/costs associated with each. Discussion also regarded private industry's battle with bureaucracy and other competition.

**APPOINTMENT - DAVE SHERIDAN**

Dave Sheridan, Attorney General's Office, provided a status of cases pending stating that there are only two cases pending that are prior to 1991. He noted that 98% of 1991 referrals are resolved with the exception of a few that are pending lawsuits. Mr. Sheridan noted that in the Cota case he filed a Motion to Dismiss which was granted, and it was then appealed to the Iowa Supreme Court and the department won the appeal. He related that his office is now evaluating their enforcement remedies in that case. Mr. Sheridan related that the cases that are not filed, with the exception of Cota, are 1992 cases.

Mr. Sheridan indicated that he is prepared to discuss any of the cases in closed session.

Nancylee Siebenmann asked about the Environmental Law Center's case to be heard in court tomorrow.

**CLOSED SESSION (ATTORNEY GENERAL REFERRALS UPDATE OF PENDING CASES)**

*Motion was made by Nancylee Siebenmann to go into closed session pursuant to Iowa Code Section 21.5(1)c to discuss strategy with counsel in matters where litigation is imminent where disclosure would be likely to prejudice or disadvantage the position of the government. Seconded by Clark Yeager.*

*Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Ehm, King, Mohr, Priebe, Siebenmann, Yeager, and Hartsuck. Motion carried unanimously.*

*Motion was made by Nancylee Siebenmann to adjourn closed session and return to open session. Seconded by Charlotte Mohr. Motion carried unanimously.*

NO ACTION TAKEN

Chairperson Hartsuck announced that while in closed session the Commission discussed certain confidential aspects of pending cases.

#### **APPOINTMENT - KATHLEEN DEAL (E-TEAM UPDATE)**

Kathleen Deal, Attorney General's Office, reported that the E-Team has collected \$440,000 in fines and penalties since they began their efforts. Much of it has been in restitution to the victims. She related that restitution in one case was to the Fish & Wildlife fund for restocking of the fish that were killed in White Breast Creek, in the Jimmy Dean case. Another case with a sizeable restitution order was in Belle Plaine, where Benco Manufacturing dumped oil into a lift station and restitution was obtained for the city to repair resulting damage to its treatment works. She explained the E-Team's theory regarding environmental prosecution and the concept of the team. Ms. Deal noted that it was important to have a team effort with the public as well as the Commission and the DNR and so they decided on the name of the "E-Team." She distributed a list of cases in which they have completed prosecution along with counties where cases have been prosecuted or are under investigation. The completed cases were as follows: Kehl/Mississippi Belle II/Anglin; Jimmy Dean Manufacturing, a Division of Sara Lee; Benco Manufacturing; James Weldon (general manager of Benco); Rick Hunt dba EZ Strip; and Gateway Grain a/k/a American Milling, Inc. She added that the public is now aware and willing to hold people who abuse the environment responsible criminally, the same as with a bank robber or a drug pusher.

Nancylee Siebenmann commented that she is pleased to see the timely intervention the E-Team can accomplish and is really congratulatory on their work, but inquired how Ms. Deal feels about a citizen board making referrals when her office has the power to act.

Ms. Deal stated that she feels it is great to have a Commission or board because it takes a real broad range of supervision and consideration of all the issues, and there are cases where the Commission may recommend consideration for prosecution of something her office has not reviewed.

Gary Priebe asked if any of the parties are ever looking at prison time in these cases.

Ms. Deal responded that there are certain cases where incarceration is appropriate adding that there is one case where the E-Team will recommend incarceration.

Brief discussion followed.

Chairperson Hartsuck thanked Mr. Sheridan and Ms. Deal for their report to the Commission.

### **APPOINTMENT - JOE WILSON, ECOMED**

Joe Wilson, President of ECOMED, distributed a copy of supporting documentation for his presentation to the Commission. He stated that his purpose today is to present what he believes to be a technical flaw in the Iowa Special Waste Authorization (SWA) compliance procedure as it relates to on-site biohazardous waste treatment systems to small/medium sized health care providers. He displayed his company's equipment and described the process it uses to grind and decontaminate medical waste. He circulated a sample of what the end product looks like. Mr. Wilson expanded on problems with waste haulers not being able or not wanting to haul the treated waste as long as it is classified as a "special" waste. Mr. Wilson stated that there is a need to have a variance to the SWA procedure to allow the treated waste to go into the trash at the treatment site of the on-site generator, or to declassify waste treated in an approved process as a "special" waste. He explained methods of treatment certification such as tags for each bag of waste, the operation log for the system, SWA permit form with restrictions printed on the back, the flow chart used by the state of Missouri to certify treated infectious waste, and a list of states that approve of their process. He distributed a list of industry contacts he has met over the last 15 years and noted that they can be called with questions as they are the top knowledgeable people on this subject.

Discussion followed regarding how this process is in sync with the heat sterilization process as recommended by CDC, the amount of equipment costs and processing costs, and the amount of time involved to grind and decontaminate the waste.

Chairperson Hartsuck asked if the barrier is in the law or the department's regulations.

Mr. Stokes stated that it would essentially be a regulatory change and expanded on details of the regulations.

Brief discussion followed.

### **REFERRALS TO THE ATTORNEY GENERAL**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the Commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position

in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Midway Water & Lighting (Marion) - Drinking Water
- b. Seven Ponds Park (Des Moines County) - Penalty
- c. Rankin Roofing and Siding (Knoxville) - Penalty
- d. Buffalo Bill Estates (Clinton County) - Penalty

### **Midway Water and Lighting**

Mr. Murphy briefed the Commission on this case stating that this matter involves a residential subdivision which has its own drinking water supply and has had bacterial MCL violations. An Administrative Order was issued in August directing that chlorination be installed and also addressed deficiencies in performing follow-up sampling. The Order has not been complied with and it has not been appealed.

### **Appointment - Don Williams (Midway Water & Lighting)**

Rozanne King stated that she will abstain from discussion and vote on this item because of her personal knowledge of Mr. Williams.

Don Williams, Member of Midway Water and Lighting, addressed the Commission stating that this is a group of people who own property where there was a well, and the owner of the well notified them one day that he was leaving and the well was theirs. Mr. Williams noted that Diana Hansen really helped them with answers to their questions and he told her that they would take care of the problems. He related that he was then out of town a lot and was not able to follow up on it. Mr. Williams stated that since then they have gotten the kit for the SOC's, and have talked to Gregory Wymer who has agreed to help with installing the treatment pump if they can find somebody to do the work. He added that failure to do the follow-up tests was a misunderstanding between them and the county. Mr. Williams stated that they have received the construction permit to do the work and now have to find someone to do the work.

Nancylee Siebenmann commented that public notice should have been fairly easy to accomplish.

Mr. Williams stated that he thought everybody was notified.

Discussion followed regarding ownership of the well, the amount each group member pays each month, and who does the testing.

Nancylee Siebenmann stated that she is concerned overall because of the health aspects to the residents.



*Motion was made by Nancylee Siebenmann for referral to the Attorney General's Office. Seconded by Charlotte Mohr. Motion carried unanimously with the exception of Commissioner King's abstention.*

REFERRED

**CONTESTED CASE APPEAL--LEO SCHACHTNER**

Mike Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On November 13, 1989, the department issued Flood Plain Permit No. 89-221 to the Department's Construction Services Bureau. That action authorized reconstruction of a water control structure and dike at the Shimon Marsh. That action was appealed by Leo Schachtner and the matter proceeded to administrative hearing on April 22, 1992. A Prehearing Ruling was also issued on March 25, 1992. The Administrative Law Judge issued the Proposed Findings of Fact, Conclusions of Law, and Order on May 14, 1992. The decision remands the application for permit back to the Department for reconsideration in accordance with the rulings in the Proposed Decision.

Mr. Schachtner has appealed this ruling to the Commission. The Prehearing Ruling, the Proposed Decision, and the Notice of Appeal have been distributed to the Commissioners. The entire record, including hearing tapes and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mr. Murphy reminded the Commission that this item was tabled at the October meeting and will need to be taken off the table. He reviewed the case noting that the Administrative Law Judge remanded it back to the department for consideration of additional evidence. He related that the staff position is that the case should be remanded as directed by the ALJ.

*Motion was made by Charlotte Mohr to remove the Leo Schachtner Contested Case Decision Appeal from the table. Seconded by Clark Yeager. Motion carried unanimously.*

Mr. Murphy reminded the Commission that this case is before them on appeal of a hearing that has already been held and the evidence that was presented at that hearing is what should be considered today. He added that new evidence is not to be considered as that is what the remand is for.

**Appointment - Leo Schachtner**

Leo Schachtner presented background information on himself and his family. He stated that his appeal is that the ditch on his land is not adequate to handle the water from Drainage District 91 and Shimon Marsh. He related that he has been through this issue with the judge and has spent \$7,000 to resolve it. He read a motion from the October EPC meeting minutes which instructs

the staff to come back with what has been worked out between him and the department and noted that he has not seen anyone from the department. Mr. Schachtner stated that he was ashamed of the purchase offer Mike Mahn (F & W Division) made for his land. He related that he thought he had an agreement purchase on his land whereby he would trade DNR 80 acres for a suitable 80 acres he could farm. He referred to a report mentioning crop damage and related that he should be paid for the damages that are being caused by too much water coming over the dam. Mr. Schachtner added that each time it rains he never knows how much cropland will be drowned out. He asked that his land not be flooded out anymore.

Charlotte Mohr commented that she thought someone from staff was to visit Mr. Schachtner's property within thirty days.

Mr. Murphy stated that he did not recall any directive to go out there in thirty days. He related that the Commission asked that it be reviewed. He noted that Mr. Schachtner's request was that he wants his ditch cleaned out and that was the only indication staff has heard of what settlement would be in the works for him. Mr. Murphy stated that evidence was presented at the hearing and now there is some additional evidence that could be heard on remand, and the Fish and Wildlife Division considered the clean out option but it appears to them that there is no way it can be done without affecting existing wetlands on Mr. Schachtner's property.

Clark Yeager commented that, as he remembers it, the Fish and Wildlife Division did some work without permits. He added that he thought staff was instructed to see if they could reach a middle ground with Mr. Schachtner within 60 days. Commissioner Yeager related that if no contact was made with Mr. Schachtner he does not know how that arrives at any kind of a compromise.

Director Wilson stated that the directive was to the Director to handle this matter. He related that he met with Environmental Protection Division staff as well as Fish & Wildlife Division staff, and after discussion, his conclusion was that the department was not willing to seek any middle ground. Mr. Wilson asked the Commission not to interpret this action as being insubordinate and stressed that the department's interest in this case is to protect wetlands and to protect public property. He added that an analysis was done as to what effect the new structure would have on Mr. Schachtner's land, and information presented to him indicated that it was questionable that there were any changes because of the new structure. Mr. Wilson emphasized that he is not willing to invest public dollars to clean out drainage ditches for Mr. Schachtner and also is not willing to take any action that will cause the demise of a wetland.

Mr. Murphy stated that Mr. Schachtner was notified of this decision through his attorney.

Gary Priebe asked if there were flooding problems before the work was done on the new dam.

Mr. Murphy stated that the record will show that there has always been flooding problems there.

Gary Priebe commented that the work was done without a permit.

Mr. Murphy stated that work started before the permit was issued but in that program it was not unusual to do that. A permit application was submitted before construction and this was a case where the existing structure was in disrepair and needed to be reconstructed.

Chairperson Hartsuck asked what happens if the Commission affirms the decision of the ALJ.

Mr. Murphy stated that the department has done the additional studies and that report would be considered by the Flood Plain Permits Section who would then reach a new decision on a permit, whether to issue it, modify it, or do something else. If the permit is reissued, Mr. Schachtner will have the opportunity to appeal. If he appeals, it would come back, through the ALJ, for the Commission's consideration.

Clark Yeager commented that he has a problem with staff going back to F& W for direction on whether the department should negotiate with Mr. Schachtner after Mr. Schachtner indicated that F & W Division created the problem.

Mr. Murphy stated that Mr. Schachtner would like the ditch cleaned out and F& W Division is one of the divisions that help make those decisions.

Chairperson Hartsuck outlined what options the Commission could take in regards to the ALJ decision.

Clark Yeager asked if the Commission would have the option to eliminate the case going back to the ALJ.

Mr. Murphy stated that they could do that but the process normally followed by the department is to use the ALJ in these decisions.

Further discussion followed regarding available options and procedure for the hearing proceedings .

*Motion was made by Clark Yeager to affirm the Administrative Law Judge decision and ask that if there is any appeal of subsequent permits by the department, that it come directly before the Commission. Seconded by Gary Priebe.*

William Ehm stated that he does not want it to come before the Commission for a hearing as he has set on hearing panels in the past and it can take a long time listening to the information and testimony. He added that he would prefer to let the ALJ do it.

Discussion took place regarding whether the whole case would need to be looked at again or just the additional report.

Randall Clark, Compliance and Enforcement Bureau, stated that new evidence would need to be looked at along with testimony backing up the report as well as any evidence submitted by Mr. Schachtner's representative.

Nancylee Siebenmann stated that she feels inadequate to know all the aspects of the law that would need to be considered to be fair to both sides.

Clark Yeager stated that his reason for making the motion is that he thinks an injustice has been done in this case. He related that the ALJ made a nondecision decision, the Commission has not chosen to go back and rehear the case, and there is a gentleman who is part of the public that has been affected greatly by both arms of the DNR and nothing has been resolved.

Director Wilson reiterated that he has an obligation of natural resource protection which he takes very seriously. He added that he did what he felt in good conscience he had to do, and felt in good conscience that was correct.

Mr. Murphy asked that before the Commission assumes an injustice has been done, that they review the whole record.

Chairperson Hartsuck stated that he has a horror of lay people acting as lawyers and judges and does not feel the Commission has the technical background to take it on, in spite of how much the Commission might wish to do the right thing.

*Motion was made by William Ehm to amend the Commissioner Yeager's motion by dropping the second half of it, and that only the Administrative Law Judge's decision be affirmed. Seconded by Nancylee Siebenmann.*

*Chairperson Hartsuck requested a roll call vote. "Aye" vote was cast by Commissioners Siebenmann, Ehm, and Hartsuck. "Nay" vote was cast by Commissioners King, Mohr, Priebe, and Yeager. Motion failed on a vote of 3-Aye to 4-Nay.*

*Chairperson Hartsuck requested a roll call vote on Commissioner Yeager's motion to uphold the ALJ decision with the stipulation that if there is another appeal that it come directly before the Commission for hearing. "Aye" vote was cast by Commissioners Mohr, Priebe, Yeager, King and Hartsuck. "Nay" vote was cast by Commissioners Siebenmann and Ehm. Motion carried on a vote of 5-Aye to 2-Nay.*

**AFFIRMED ALJ DECISION WITH ADDED STIPULATIONS**

### **PROPOSED RULE--CHAPTER 135, UST ABILITY TO PAY**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The attached amendment to Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks" propose amendment to Chapter 135 by adding a new subrule 135.11. This provides a mechanism for evaluating the

financial condition of individual and corporate owners and operators of underground storage tanks who claim a financial inability to comply with corrective action and other regulatory obligations under Chapter 135.

The department is required to determine a responsible party's ability to pay as one of a number of conditions which authorize the use of "Federal LUST Trust Fund" moneys for corrective action as provided in 42 U.S.C. 6991b(h)a and the department's cooperative agreement with the federal Environmental Protection Agency.

This is for information only at this time. The Commission will be asked to approve a Notice of Intended Action at their January meeting.

### ENVIRONMENTAL PROTECTION COMMISSION[567] NOTICE OF INTENDED ACTION

Pursuant to the Authority of the Iowa Code section 455B.474, the Environmental Protection Commission gives Notice of Intended Action to amend Chapter 135, "Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks."

The proposed amendment adds a new subrule, 135.11, that provides a mechanism for evaluating the financial condition of individual and corporate owners and operators of underground storage tanks (USTs) who claim a financial inability to comply with corrective action and other regulatory obligations under Chapter 135. The Iowa Department of Natural Resources (IDNR) is required to determine the responsible party's ability to pay as one of a number of conditions which authorize the use of "Federal LUST Trust Fund" moneys as provided in 42 U.S.C. 6991b(h)(7) and the IDNR's cooperative agreement with the federal Environmental Protection Agency. Evaluation of a responsible party's financial ability to comply will assist the IDNR in program planning.

Individuals, with or without active businesses (including but not limited to sole proprietorships and general partnerships), would be evaluated using the "Individual Ability to Pay Guidance" dated June 19, 1992. This document was prepared under a grant from the U.S. Environmental Protection Agency (EPA) Region VII. Corporations would be evaluated using the July 1991 version of Abel, which is a computer based evaluation method developed by the U.S. EPA.

The evaluation of financial inability is not intended to relieve a responsible party of any legal obligations or to provide a defense to legal actions taken to enforce these obligations.

Any interested party may submit written comments to the attention of Keith Bridson, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319 or by FAX number 515-281-8895, no later than Friday, February 19, 1993.

There will also be a public hearing on these proposed amendments on Tuesday, February 9, 1993 at 1:00 P.M. in the west half of the fifth floor conference room of the Wallace State Office Building, Des Moines, Iowa.

This rule may have an impact on small businesses as provided in Iowa Code section 17A.31.

These proposed amendments are intended to implement Iowa Code section 455B.474.

ITEM 1. Add the following new subrule 135.11:

**567--135.11(455B) Evaluation of Ability-to-pay.**

**135.11(1) General.** The ability-to-pay guidance procedures referenced in this rule will be used by the department when an owner or operator of an UST claims to be financially unable to comply with corrective action requirements under 135.7 and 8 or closure investigation requirements under 135.9 or other applicable regulatory obligations under Chapter 135. The responsible party must provide documentation of their finances on forms provided by the department.

**135.11(2)** The financial ability of individual owners and/or operators of underground storage tanks, with or without an active business, (including but not limited to sole proprietorships and general partnerships), shall be evaluated using the "Individual Ability to Pay Guidance" document dated June 19, 1992.

**135.11(3)** The financial ability of corporate owners and/or operators of underground storage tanks shall be evaluated using the June 1992 version of "ABEL" developed by the U.S. Environmental Protection Agency.

**135.11(4)** The financial ability of owners and operators of underground storage tanks shall be evaluated for the purposes of determining if the department is authorized to use federal LUST Trust Fund moneys as provided in the current cooperative agreement with the U.S. Environmental Protection Agency, Region VII. The evaluation may also be used to assist the department in making program decisions regarding a particular UST site.

**135.11(5)** An evaluation of financial ability to comply as provided in this rule is not intended to relieve any owner or operator of legal liability to comply with department rules or Iowa code chapter 455B or to provide a defense to any legal actions to establish liability or enforce compliance.

Mr. Stokes gave a detailed explanation of the proposed rule.

Charlotte Mohr asked how much information an individual will have to fill out to prove financial inability.

Mr. Stokes stated that it will be 3-4 pages along with some tax information.

INFORMATIONAL ONLY
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**PROPOSED RULE--CHAPTERS 100 AND 102, SPECIAL WASTE AUTHORIZATIONS**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

Attached are proposed amendments to Chapter 100 and Chapter 102 to Special Waste Authorization rules. The Department had earlier noticed and held hearing on similar rules. Following the public hearing on March 18, 1992, several changes were made to the proposed rule as a result of comments received.

- \* Clarify the definition of "special waste"
- \* Add a definition for "industrial process waste"
- \* Clarify the testing requirements
- \* Add a list of Total PAHs and Total Carcinogenic PAHs
- \*

Add language to allow other methods of handling infectious waste

In addition, the Department has determined that since these proposed rules clearly define wastes which require special handling for disposal in landfills, clearly define the criteria for such disposal, and due to limited staff resources, the Department will no longer issue special waste authorizations but will shift that duty to the sanitary landfill operators. The sanitary landfill operators will be required to maintain documentation of compliance with the special waste authorization rules. This change was considered to be significant enough to warrant the presentation of these proposed rules a second time for formal rule making.

The Commission will be asked to approve a Notice of Intended Action on these proposed rules at their January meeting.

**ENVIRONMENTAL PROTECTION COMMISSION (567)**  
**Amended Notice of Intended Action**

Pursuant to the authority of Iowa Code section 455B.304, the Environmental Protection Commission amends its Notice of Intended Action to amend Chapter 100 "Scope of Title - Definitions - Forms - Rules of Practice," and Chapter 102, "Permits," Iowa Administrative Code. An amended notice is being filed due to substantial proposed changes from the original Notice.

A Notice of Intended Action was published on February 19, 1992, as ARC 2803A, and a public hearing was held on March 18, 1992. The following changes were made from the proposed amendments, based upon public comments:

Items 1 and 4, 100.3(2) and 102.15(2), specifically states that the generator of the waste submits the request for a Special Waste Authorization (SWA).

Item 2, 100.2, clarified the definition of "special waste".

Items 2 and 4, 100.2, 102.2, 102.15(2), and 102.15(2)e(1), add a definition of "industrial process waste".

Items 3 and 4, 100.3(2) and 102.15(2), specifically states that the generator of the waste submits the request for a Special Waste Authorization (SWA).

Item 4, 102.15(2)d(1) - (now e(1)), 102.15(2)b, clarify the testing requirements necessary for showing that the waste is non-hazardous.

Item 4, 102.15(2)e(1) - (now f(1)), clarify the correct terms to be used in describing the test methods/requirements.

Item 4, 102.15(2)d(6) - (now e(6)), removed this subparagraph which was contradictory with other parts of the proposed rule.

Item 4, 102.15(2)e(4) and (12), delete wastewater grit and bar screenings, and pathological wastes and animal carcasses from this section. The latter is covered under "other infectious wastes".

Item 4, 102.15(2)e(15) - (now f(13)), add a list of Total PAH's and Total Carcinogenic PAH's.

Item 4, 102.15(2)e(8) - (now f(7)), clarify the department's requirements for incineration, autoclaving, and add language to allow other methods to render infectious waste nonpathogenic on a case-by-case basis.

In addition, the department has determined that since these proposed rules clearly define wastes which require special handling for disposal in landfills, clearly define the criteria for such disposal, and due to limited staff resources, the department will no longer issue special waste authorizations but will shift that duty to the landfill operators. The operators will be required to maintain documentation of compliance with the special waste rules - 102.15(2)"d". These changes are reflected in items 2, 3 and 4.

Written comments may be directed to Lavoy Haage, Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034, FAX (515)281-8895, on or before February 9, 1993. Interested persons may also provide oral comments at a public hearing to be held February 9, 1993, at 1:00 p.m. in the 4 East Conference Room, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa.

These rules are intended to implement Iowa Code sections 455B.304 and 455B.490.

These amendments may impact small businesses.

The following amendments are proposed.

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ITEM 1. Amend rule 567-100.2(455B, 455D) by amending the definition of "toxic and hazardous wastes" as follows:

"Toxic and hazardous wastes" means waste materials, including but not limited to, poisons, pesticides, herbicides, fungicides, insecticides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which ~~require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.~~ because of their physical, toxicological, or chemical properties are a waste which may not be disposed of in a sanitary landfill. All wastes which are subject to regulation as "hazardous wastes" under the Resources Conservation and Recovery Act are "toxic and hazardous wastes."

ITEM 2. Further amend rule 567-100.2(455B, 455D) by adding the following new definitions in alphabetical order:



"Special waste" means waste materials, including but not limited to nonhazardous industrial process wastes, infectious wastes, and similar potentially harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety and may be disposed of in a sanitary landfill in Iowa if authorized by subrule 102.15(2) and the sanitary landfill operator.

"Infectious" means containing pathogens with sufficient virulence and quantity so that exposure to an infectious agent by a susceptible host could result in an infectious disease when the infectious agent is improperly treated, stored, transplanted, or disposed.

"Infectious waste" means waste which is infectious, including but not limited to contaminated sharps, cultures and stocks of infectious agents, blood and blood products, pathological waste, and contaminated animal carcasses from hospitals or research laboratories.

"Contaminated sharps" means all discarded sharp items derived from patient care in medical, research, or industrial facilities including glass vials containing materials defined as infectious, suture needles, hypodermic needles, scalpel blades, and pasteur pipettes.

"Cultures and stocks of infectious agents" means specimen cultures collected from medical and pathological laboratories, intravenous tubing, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biological agents, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate or mix cultures.

"Human blood and blood products" means human serum, plasma, other blood components, bulk blood, or containerized blood in quantities greater than 20 milliliters.

"Pathological waste" means human tissues and body parts that are removed during surgery or autopsy.

"Contaminated animal carcasses" means waste including carcasses, body parts and bedding of animals that were exposed to infectious agents during research, production of biologicals, or testing of pharmaceuticals.

"Industrial process waste" means waste that is generated as the direct result of producing foods and commodities. It does not include office waste, cafeteria waste, or other types of waste that are not the direct result of production processes.

ITEM 3. Amend subrule 100.3(2) as follows:

~~100.3(2) Industrial sludge and toxic and hazardous waste disposal instructions~~ Special waste disposal instructions. Requests for special waste authorizations instructions for the disposal of ~~hazardous or toxic waste~~ special waste, as required by ~~102.14(2)~~-102.15(2) shall be submitted to the sanitary landfill operator.

~~Administrative Support Station  
Environmental Protection Division  
Iowa Department of Natural Resources  
Henry A. Wallace Building  
900 East Grand  
Des Moines, Iowa 50319~~

Further amend subrule 100.3(2) by amending paragraph "a" as follows:

a. Requests shall be made by submitting information substantially complying with Form 46 (542-3216) "Request for Special Waste Authorization" accompanied by supporting data as deemed necessary by the ~~department~~ sanitary landfill operator. In case of emergency, instructions may be obtained by telephone by calling (515)281-8692 the sanitary landfill operator. ~~In these limited circumstances when the waste is unused commercial product in the original container which has attached legible labels and there is a reasonable certainty that the label accurately represents the contents of the container the owner of this waste need only submit a Waste Disposal of Commercial Products Only form, Form 47 (542-3148).~~

ITEM 4. Amend rule 567-102.15(455B) by adding the following introductory paragraph:

The goal of the Special Waste Authorization Program is to ensure that all wastes are properly disposed of. Toxic and hazardous wastes, as defined in rule 567-100.2(455B, 455D), shall not be disposed of in a sanitary landfill in Iowa.

Amend subrule 102.15(2) as follows:

102.15(2) ~~Industrial sludge and toxic and hazardous waste.~~ Special waste. No special sludge ~~or toxic and hazardous waste~~ shall be delivered to nor disposed by a sanitary landfill unless explicit instructions are first obtained from the ~~department~~ sanitary landfill operator.

a. For procedure see ~~rule 100.3(2)~~ 567-100.3(2).

b. Prior to the issuance of any such instructions, the ~~department~~ sanitary landfill operator may require that a proposal for disposal of such waste in conformance with these rules, with supporting data as may be deemed necessary, be submitted by the originator of such waste for evaluation by the department. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved analytical testing supporting the characterization of the waste as nonhazardous. Analytical testing requirements include (1) characteristic of ignitability, (2) characteristic of corrosivity, (3) characteristic of reactivity, (4) Toxicity Characteristic Leaching Procedure (TCLP) for all Toxicity Characteristic (TC) analytes, (5) Paint Filter Liquids Test. Methods to be used for determining these characteristics are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846 and additions thereto. The analytical results must be submitted along with the "Request for Special Waste Authorization" form, Form 46 (542-3216). The TC testing requirements may be altered if the sanitary landfill operator believes there is sufficient evidence supporting the absence of a constituent or constituents usually required by the TCLP. Material Safety Data Sheets may be used as supporting evidence if the waste constituents are clearly listed. The sanitary landfill operator may refuse any Material Safety Data Sheet which is not properly and sufficiently prepared.

c. All ~~toxic or hazardous waste or industrial sludge~~ special waste for which instructions have been received shall be disposed according to those instructions.

d. The sanitary landfill operator shall maintain any analytical test data submitted from a waste generator, completed Request for Special Waste Authorization forms, and original issued Special Waste Authorizations. These records shall be maintained on file at the landfill office. The

appropriate Department of Natural Resources field office shall receive a copy of any Special Waste Authorizations issued by a sanitary landfill operator. The copy shall include the appropriate instructions for disposal as well as a copy of the original Special Waste Authorization. Semiannual reports summarizing the disposal for the reporting period shall be submitted for all specially authorized wastes received. The reporting periods shall be January 1 through June 30 and July 1 through December 31 each year. The reports shall include identification of the wastes and volumes authorized, the waste generator, the period of disposal, copies of disposal records, the date of disposal, and the horizontal and vertical location of all special wastes disposed at the site. The locations shall be tied to permanent site benchmarks and monuments. Petroleum contaminated soil quarterly testing results shall be submitted with semiannual special waste reports. If an authorized waste is not received, a statement to that effect shall be included in the semiannual special waste reports. Copies of this report shall be sent to both the main office and appropriate field office of the department.

e. Wastes may be disposed under a Special Waste Authorization if the waste is nonhazardous as determined by the following criteria:

(1) No TC (Toxicity Characteristic) analytes as determined using the TCLP (Toxicity Characteristic Leaching Procedure) over the following federally regulated levels:

Arsenic	5.0 mg/l
Barium	100.0 mg/l
Benzene	0.5 mg/l
Cadmium	1.0 mg/l
Carbon tetrachloride	0.5 mg/l
Chlordane	0.03 mg/l
Chlorobenzene	100.0 mg/l
Chloroform	6.0 mg/l
Chromium	5.0 mg/l
o-Cresol	200.0 mg/l
m-Cresol	200.0 mg/l
p-Cresol	200.0 mg/l
Cresol	200.0 mg/l
2,4-D	10.0 mg/l
1,4 Dichlorobenzene	7.5 mg/l
1,2 Dichloroethane	0.5 mg/l
1,1 Dichloroethylene	0.7 mg/l
2,4 Dinitrotoluene	0.13 mg/l
Endrin	0.02 mg/l
Heptachlor (and its hydroxide)	0.008 mg/l
Hexachlorobenzene	0.13 mg/l
Hexachloro-1,3-butadiene	0.5 mg/l
Hexachloroethane	3.0 mg/l
Lead	5.0 mg/l
Lindane	0.4 mg/l
Mercury	0.2 mg/l
Methoxychlor	10.0 mg/l

Methyl ethyl ketone	200.0 mg/l
Nitrobenzene	2.0 mg/l
Pentachlorophenol	100.0 mg/l
Pyridine	5.0 mg/l
Selenium	1.0 mg/l
Silver	5.0 mg/l
Tetrachloroethylene	0.7 mg/l
Toxaphene	0.5 mg/l
Trichloroethylene	0.5 mg/l
2,4,5-Trichlorophenol	400.0 mg/l
2,4,6-Trichlorophenol	2.0 mg/l
2,4,5-TP (Silvex)	1.0 mg/l
Vinyl chloride	0.2 mg/l

(2) Paint-related wastes require TCLP testing of an additional nine constituents. The additional nine regulatory limits are as follows:

Acetone	10.0 mg/l
Butyl alcohol	10.0 mg/l
Ethyl acetate	90.0 mg/l
Ethylbenzene	70.0 mg/l
Isobutanol	30.0 mg/l
Methylene chloride	0.5 mg/l
Styrene	20.0 mg/l
Toluene	100.0 mg/l
Xylene	1000.0 mg/l

(3) No free liquids as determined by the Paint Filter Liquids Test.

(4) pH of solid in 10% solution not less than or equal to 2 or greater than 12.5.

(5) Does not meet any of the federal Resource Conservation and Recovery Act criteria for listed or characteristic hazardous wastes.

f. Specific types of wastes requiring a Special Waste Authorization for disposal in a sanitary landfill.

(1) Industrial sludges: Analytical testing requirements include the Characteristic of Toxicity for all TC analytes, the Paint Filter Liquids Test, and pH. If solvents are used in the process which generates the sludge, the additional TC organics are required.

(2) Paint, stain, and varnish wastes (filters, overspray, sludges): Analytical testing requirements include the Paint Filter Liquids Test, Toxic Characteristic Leaching Procedure, pH, and the additional TCLP organics.

(3) Incinerator ash, fly ash, baghouse dust: Analytical testing requirements include the Toxic Characteristic Leaching Procedure.

(4) Sandblast waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure and pH.

(5) Filtering media: Analytical testing requirements include Toxic Characteristic Leaching Procedure and pH.

(6) Sharps: Must be sterilized and disposed of in a rigid container. No analytical testing required.

(7) Other infectious wastes (except contaminated sharps): If sterilized by autoclaving (steam sterilization) must be sterilized in a bag manufactured for stability during sterilization. The bag must have a special tape in the upper one-third portion that will have black or dark brown lines running through it showing that sterilization took place after the tape was applied to the bag. If incinerated, must be rendered nonrecognizable. Other methods of rendering infectious waste nonpathogenic will be considered on a case-by-case basis. Testing requirements for methods other than sterilization (autoclaving) and incineration would be the characteristics of toxicity and corrosivity. In addition to the submission of analytical data the generator of the infectious waste would be required to submit data to the sanitary landfill operator to show that the infectious waste is no longer pathogenic.

(8) Pharmaceuticals and biological products: Labels listing chemical composition must accompany Form 46.

(9) Industrial process waste: Analytical testing requirements include Toxic Characteristic Leaching Procedure, pH, and Paint Filter Liquids Test.

(10) PCB-contaminated wastes: Analytical testing requirements include PCB content. Wastes having levels of PCB contamination above the federal maximum contamination levels shall not be authorized for disposal.

(11) Captan-treated seed bags: There are no analytical testing requirements but special handling is required at the sanitary landfill. Captan-treated seed should be recycled through an ethanol plant.

(12) Pesticide-contaminated wastes containing less than 10 ppm total pesticides.

(13) Polynuclear Aromatic Hydrocarbon (PAH)-contaminated soil may be disposed if the Total PAH level is below 500 ppm for compounds: Acenaphthene, Acenaphthylene, Anthracene, Benzo(a)Anthracene, Benzo(a)Pyrene, Benzo(b)Fluoranthene, Benzo(g,h,i)Perylene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Fluoranthene, Fluorene, Indeno(1,2,3-cd)Pyrene, Naphthalene, Phenanthrene, and Pyrene and the Total Carcinogenic PAH level is below 100 ppm for compounds: Benzo(a)Anthracene, Benzo(b)Pyrene, Benzo(b)Fluoranthene, Benzo(k)Fluoranthene, Chrysene, Dibenzo(a,h)Anthracene, Indeno(1,2,3-cd)Pyrene, Phenanthrene, and Pyrene. Methods to be used for determining these compounds are Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, November, 1986, Third Edition, U.S. EPA, SW-846 and additions thereto.

(14) Aflatoxin-contaminated wastes may be disposed at levels of 500 ppb or lower.

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Date

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Larry J. Wilson, Director

Mr. Stokes stated that these rules are significantly different than what was originally proposed noting that this would take the state out of issuing special waste authorizations and would shift the duty to landfill operators. He explained details of the rules.

Director Wilson asked if there would be any waiver rights in these rules.

Mr. Stokes replied that these rules would provide the ability to grant waivers but specified that they would not address ECOMED's problems. The regulations will basically remain the same but will mainly shift the duty of issuing authorizations.

Chairperson Hartsuck asked if the Commission wanted to address the concerns raised by ECOMED if this would be the place to do it.

Discussion followed in regards to deleting properly treated medical waste from the definition of special waste, and problems that could occur with verification of treated waste.

Mr. Stokes stated that staff could address these concerns in the rule but asked that they not get the department in a situation with a big paper trail.

Gary Priebe commented that if the definition of special waste excludes treated medical waste it should require that a verification tag be included so it can be traced back to a responsible party.

Nancy Lee Siebenmann stated that the rule should specify that it is "treated" medical waste.

Mr. Stokes stated that staff will use the term "appropriately treated" medical waste and will develop a definition for same. These concerns can be incorporated into the rules to go out to public hearing.

Discussion followed regarding sharps disposal by diabetics.

INFORMATIONAL ONLY
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### **PROPOSED RULE--CHAPTER 61, STREAM USE DESIGNATION - PHASE V**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be presented with the next set of proposed stream use designations, Round V. This set of aquatic use designations represents the staff's continued field assessment activities to determine and assign use designations to all the individual streams, lakes, and wetlands warranting stream use designations under Chapter 61. Included in the proposed Round V rules are:

- Streams previously designated as B(warm water) which would become B (significant resource warm water) streams.

- Streams previously designated as B(warm water) which would become B(limited resource warm water) streams.
- Streams previously considered as General Classified waters which would become B(limited resource warm water) streams.
- Protected flows for a number of the streams.

Public hearings will be scheduled in appropriate geographical areas to receive comments on the proposed use designations.

(A copy of the proposed rule is on file in the department's Records Center)

Mr. Stokes briefly explained the rule.

Brief discussion followed.

INFORMATIONAL ONLY
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### **AIR QUALITY STATE IMPLEMENTATION PLAN - SMALL BUSINESS ASSISTANCE CENTER**

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Clean Air Act Amendments of 1990 require that each state revise its State Implementation Plan to include a small business stationary source technical and environmental compliance assistance program. A draft of Iowa's plan was presented to the Commission for your information in October.

A public hearing to receive comments on the plan was held on November 17, 1992. Comments received were summarized and addressed in the attached public participation responsiveness summary. A copy of the revised plan is also attached.

The Department intends to submit the plan to EPA in late December.

**REVISIONS TO THE  
IOWA STATE IMPLEMENTATION PLAN  
FOR THE SMALL BUSINESS STATIONARY SOURCE  
TECHNICAL AND ENVIRONMENTAL COMPLIANCE  
ASSISTANCE PROGRAM**

**IOWA DEPARTMENT OF NATURAL RESOURCES**

**WALLACE STATE OFFICE BUILDING  
900 EAST GRAND  
DES MOINES, IOWA 50319**

## **INTRODUCTION**

The Clean Air Act Amendments of 1990 (CAAA) require that each state modify its State Implementation Plan (SIP) to include a small business stationary source technical and environmental compliance assistance program. The goal of this program is to assist small businesses in complying with requirements of the CAAA. There are three components to this small business stationary source program (PROGRAM). The first component is a small business assistance program (SBAP) which is intended to provide the actual assistance to small businesses. The second component is an ombudsman for small business stationary sources. And the third component is a compliance advisory panel (CAP) that is to render advisory opinions, submit reports to EPA and review documents prepared by the PROGRAM to assure that they are understandable by a layperson.

This document represents the State of Iowa's revision to its SIP relating to the small business stationary source technical and environmental compliance assistance program. It is submitted by the Director of the Iowa Department of Natural Resources (DNR). The DNR is the agency of the state designated to prevent, abate, or control air pollution.

## **COMPONENTS OF THE PROGRAM**

### **A. Ombudsman for Small Business Stationary Sources**

A state agency will be designated the Ombudsman or State Liaison for small business stationary sources. This agency will be outside of the DNR and will have experience in the environmental field and representing small businesses. The head of this agency will have direct access to the Governor, the director of the DNR, and the Attorney General to adequately represent small businesses.

An interagency agreement, pursuant to Chapter 28E, Code of Iowa, between this agency and the DNR will be entered into on an annual basis to set forth the relationship between the agencies and their respective responsibilities with regard to the PROGRAM.

The State Liaison will receive adequate funding and additional staffing with a scientific background to assist in all phases of the air quality program. The State Liaison function will initially be funded through the moneys collected from the temporary air toxics fee and then replaced by the operating permit fees.

The State Liaison functions will be implemented prior to November 15, 1994.

The State Liaison will be charged with the following duties:



1. conducting independent evaluations of all aspects of the SBAP,
2. reviewing and providing comments and recommendations to EPA and DNR regarding the development and implementation of regulations that impact small businesses,
3. aiding in the dissemination of information to small businesses,
4. participate in and sponsor meetings and conferences with other state officials, industry groups, and small business representatives,
5. aiding in investigation and resolution of complaints and disputes from small businesses against the state/local air pollution control authorities,
6. referring small businesses to the appropriate specialists in the SBAP where they may obtain information and assistance on affordable alternative technologies, process changes, products and operational methods to help reduce air pollution and accidental releases,
7. assisting in the preparation of guideline documents by the SBAP to ensure that the language is readily understandable by the layperson,
8. conducting studies to evaluate the impacts of the CAAA on the State's economy, local economies, and small businesses.

#### B. Compliance Advisory Panel

The Compliance Advisory Panel will be established legislatively. The Department's legislative bill relating to air quality includes such language. Legislation will be enacted by May 1993.

The makeup of the panel membership will be consistent with the requirements of section 507 of the CAAA. The Panel will be established and implemented in 1994 prior to the November 15, 1994, deadline. The Panel will meet as needed. The SBAP will serve as secretariat to the panel.

The functions of the Panel will be

1. to render advisory opinions concerning the effectiveness of the PROGRAM, difficulties encountered, and degree and severity of enforcement,
2. to make periodic reports to EPA concerning the compliance of the PROGRAM with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act,
3. to review information for small business stationary sources to assure such information is understandable to the layperson.

#### C. Small Business Assistance Program

The SBAP will be handled by University of Northern Iowa with staff from its Iowa Waste Reduction Center. The specific plan for its development and operation is included in Attachment

1. The relationship and respective responsibilities of the University and the Department of Natural Resources will be specified in an annual interagency agreement pursuant to Chapter 28E, Code of Iowa, between the two parties.

The funding for the SBAP will come initially from the moneys collected from the temporary air toxics fee. This is an annual fee of twenty-five dollars per ton of hazardous air pollutants emitted. The fee is paid by sources affected by the the federal operating permit program. Statutory authority for collection of this fee is 455B.133A Code of Iowa (See Attachment 2).

This fee will be replaced by the operating permit fees once the operating permit program is functioning.

### **DNR ROLE IN THE PROGRAM**

DNR is the authority in the state for issuing air construction permits and is the authority which will seek delegation of the federal operating permit program. The relationship and respective responsibilities of DNR and the ombudsman and DNR and UNI will be set forth in interagency agreements. The DNR will appoint one member of the CAP in conformance with the CAAA. DNR staff will attend meetings of the CAP to provide assistance to the Panel and to stay informed of activities of the PROGRAM.

### **SOURCE ELIGIBILITY**

Sources eligible for inclusion in the PROGRAM include any business that is

1. owned or operated by a person employing less than 100 employees,
2. defined as a small business by the Small Business Act,
3. is not a major stationary source,
4. emitting less than 50 tons per year of any regulated pollutant (regulated pollutants are Volatile Organic Compounds (VOCs), Nitrogen Oxides (NOx), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), Lead (Pb), and Particulate Matter less than 10 Microns in diameter (PM<sub>10</sub>), or any hazardous air pollutants identified in the CAAA for which a standard has been promulgated,
5. emitting less than 75 tons per year of all regulated pollutants as identified in item 3 above.

Upon petition by a source, the State may, after notice and opportunity for public comment, include as a small business stationary source any source which does not meet the criteria of 3, 4, or 5 above but which does not emit more than 100 tons per year of all regulated pollutants.

### **FEE REDUCTION AUTHORITY**

Subsection 507 (b) of the CAAA states

"The State (or the Administrator) may reduce any fee required under this Act to take into account the financial resources of small business stationary sources."

The DNR will consider requests from small businesses for fee reductions utilizing its variance procedures pursuant to Rule 567--21.2, Iowa Administrative Code. Any fee reductions provided by DNR will not affect the effectiveness of the PROGRAM.

## LEGAL AUTHORITY

The state of Iowa has the legal authority necessary to implement the PROGRAM under the provisions of Iowa Code section 455B.133(8) (Supplement 1991).

(A copy of the Responsiveness Summary and Attachments to the plan are on file in the department's Records Center)

Mr. Stokes explained the plan and Responsiveness Summary and noted that if there are no objections he will submit it to the EPA.

*Motion was made by Rozanne King to approve the Air Quality State Implementation Plan Revision - Small Business Assistance Center, as presented. Seconded by Charlotte Mohr. Motion carried unanimously.*

APPROVED AS PRESENTED

## FINAL RULE--CHAPTERS 20-29, AIR QUALITY RULES - STACK TESTING

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the attached "adopted and filed" rules. The Department will make a presentation to the Commission at its meeting concerning this update of the air quality rules and stack testing in particular. The revisions include incorporating changes to federal regulations, making the rules consistent with EPA regulations and policies, updating the "Compliance Sampling Manual" and other rule provisions and correcting errors in the rules.

The Commission approved the Notice of Intended Action at the August meeting. Three public hearings were held in October. Attached is the public participation responsiveness summary. The Compliance Sampling Manual will be handed out at the meeting.

(Rule is shown on the following 8 1/2 pages)

ENVIRONMENTAL PROTECTION COMMISSION [567]  
Adopted and Filed

Pursuant to the authority of Iowa Code section 455B.133, the Environmental Protection Commission amends Chapter 20, "Scope of Title - Definitions - Forms - Rules of Practice"; Chapter 22, "Controlling Pollution"; Chapter 23, "Emission Standards for Contaminants"; Chapter 24, "Excess Emission"; Chapter 25, "Measurement of Emissions"; and Chapter 29, "Qualification in Visual Determination of the Opacity of Emissions," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 16, 1992, as ARC 3350A. Three public hearings were held between October 20 and October 22, 1992. The Environmental Protection Commission adopted these amendments on December 21, 1992.

This action includes amending Chapter 20 by adding definitions for "Ambient air," "One-hour period," and "Six-minute period," deleting the definition of "Ringelmann chart," and adding a reference to Chapter 29 in the definition of opacity. Also, one new restriction on issuance of construction permits is added.

These amendments reflect minor changes to federal Prevention of Significant Deterioration regulations, listing of attainment status designations for Iowa, and state and federal sampling methods (Items 3, 4, and 12). The method for visually determining opacity and specifications for a qualified observer are changed to the federal methodology. The only significant difference between the methodology being replaced and the federal methodology is a valid opacity reading consisting of six minutes versus eight minutes of readings (Item 16).

References to outdated air dispersion models and the archaic usage of the Ringelmann chart are changed. Some spelling and other errors are corrected.

These amendments adopt by reference recent changes to the federal new source performance standards (40 CFR Part 60) and new standards applicable to new sources at the following types of facilities: synthetic chemical manufacturing industry air oxidation unit processes, synthetic organic chemical manufacturing industry distillation operations, small industrial-commercial-institutional steam generating units, polymer manufacturing, and municipal waste combustors. Each standard of performance establishes allowable emission limitations that reflect the degree of emission limitation which is achievable through the application of the best technological system of continuous emission reduction. These regulations apply only to "new sources," that is, sources, the construction or modification of which is commenced after the proposal date of the individual regulation.

These amendments adopt by reference recent changes to the federal emission standards for hazardous air pollutants (40 CFR Part 61). These standards apply to new and existing sources. These reflect changes to standards, monitoring, reporting, record-keeping requirements and testing methods.

A requirement that asphalt roofing and asbestos-containing materials be removed from structures used in training fires is added to the training fire exemption.

The averaging period for sulfur dioxide emission limitations is changed from two hours to three hours to be consistent with protection offered by the three-hour sulfur dioxide National Ambient Air Quality Standard.

The emission testing requirements of Chapter 25 are clarified, and the "Compliance Sampling Manual" has been updated. The prior written notice to the Department is being extended from 15 to 30 days. A summary of changes to the "Compliance Sampling Manual" includes:

- Introduction: Updated references to Department rules,  
Correction of citation of the definition of particulate matter,  
Updated Department mailing address.
- Chapter 1: Updated references to Department rules,  
Added a reference to PM10 testing including the need for six-inch test ports.
- Chapter 2: Added a paragraph describing the requirement for glass liners for sample probe.
- Chapter 3: Section on number of sampling ports was changed to be consistent with federal methodology,  
Updated diagrams,  
Added discussion of use of magnehelic gauges for velocity pressure readings.
- Chapter 4: Updated references to Department rules,  
Added requirement to list plant contact person in notification letter,  
Deleted discussion of purging with nitrogen,  
Added discussion of federal reference method 3A as alternative to using Orsat,  
Added use of F factor calculations as a method of emission rate calculation,  
Added use of Fyrites in limited circumstances.
- Chapter 5: Rewritten for clarity and to reflect changes in federal test methods,  
Added requirement for audit samples.
- Appendix B: Added alternative of use of 0.84 value in pitot tube calibration.

No substantive changes were made to the Notice of Intended Action in response to the comments received. Minor changes correcting or clarifying language or references were made in rules 22.3, 23.1 and 25.1 and chapters I, IV, V and appendices I and J of the Compliance Sampling Manual, in response to comments from U.S. EPA and regulated industries.

These amendments implement Iowa Code section 455B.133.  
These amendments will become effective February 24, 1993.  
The following amendments are adopted.

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ITEM 1. Amend rule 567--20.2(455B) by adding the following definitions in alphabetical order:

"Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access. Ambient air does not include the atmosphere over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers.

"One-hour period" means any 60-minute period commencing on the hour.

"Six-minute period" means any one of the ten equal parts of a one-hour period.

Further amend rule 567--20.2(455B) by amending the definition of "Opacity" and deleting the definition of "Ringelmann chart" as follows:

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background (See 567--Chapter 29).

~~"Ringelmann chart" means the chart published and described in Information Circular 8333, Bureau of Mines, U.S. Department of Interior, and on which are illustrated graduated shades of gray to black to use in estimating the apparent density of smoke from combustion stacks.~~

ITEM 2. Amend subrule 22.3(1) as follows:

22.3(1) Stationary sources other than anaerobic lagoons. In no case shall a construction permit or conditional permit which results in an increase in emissions be issued to any facility which is in violation of any condition found in a permit involving PSD, NSPS, NESHAP or a provision of the Iowa state implementation plan. If the facility is in compliance with a schedule for correcting the violation and that schedule is contained in an order or permit condition, the department may consider issuance of a construction permit or conditional permit. A construction or conditional permit shall be issued when the director concludes that the preceding requirement has been met and:

a. That the required plans and specifications represent equipment which reasonably can be expected to comply with all applicable emission standards, and

b. That the expected emissions from the proposed source or modification in conjunction with all other emissions will not prevent the attainment or maintenance of the ambient air quality standards specified in 567--Chapter 28, and

c. That the applicant has not relied on emission limits based on stack height that exceeds good engineering practice or any other dispersion techniques as defined in 567--subrule 23.1(4).

d. That the applicant has met all other applicable requirements.

ITEM 3. Amend rule 567--22.4(455B), introductory paragraph, as follows:  
567--22.4(455B) Special requirements for major stationary sources in areas designated attainment or unclassified (PSD). Except as provided in subrule 22.4(1), the following federal regulations pertaining to the prevention of significant deterioration are adopted by reference, 40 CFR subsection 52.21 as amended through ~~October 17, 1988~~ February 3, 1992.

ITEM 4. Amend paragraphs 22.5(2) "a" and "b" as follows:

a. Primary standard particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for a primary particulate matter standard in 40 CFR §81.316 (as amended through ~~May 1, 1985~~ November 6, 1991), then emission offsets must be achieved prior to startup.

If a major source or major modification is proposed to be constructed in an

area designated attainment or unclassified for particulate matter in 40 CFR §81.316, but the modeled (~~CRSTER, PTMTP or an appropriate optimum EPA approved guideline model~~) worst case ground level particulate concentrations due to the major source or major modification in a designated primary standard particulate matter nonattainment area is equal to or greater than five (5) micrograms per cubic meter (~~twenty-four (24)-hour~~ concentration), or one (1) microgram per cubic meter (annual geometric mean), then emission offsets must be achieved prior to startup.

If, after the permit is issued, the area is redesignated in 40 CFR §81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.

b. Secondary standard particulate matter nonattainment areas. If a major source or major modification is proposed to be constructed in an area designated nonattainment for the secondary particulate matter standard in 40 CFR §81.316 as amended through ~~May 1, 1985~~, November 6, 1991, ~~emissions~~ emissions offsets must be achieved prior to startup if the offsets are reasonably available. If a major source is proposed to be constructed in an area designated attainment or unclassified for particulate matter in 40 CFR §81.316, but the modeled (~~CRSTER, PTMTP or an appropriate optimum EPA approved guideline model~~) worst case ground level particulate matter concentrations due to the major source or major modification in a designated secondary standard particulate matter nonattainment area is equal to or greater than five micrograms per cubic meter (~~twenty-four (24)-hour~~ concentration), emission offsets must be achieved prior to startup if the offsets are reasonably available.

If offsets are determined to be reasonably available, and if after the permit is issued, the area is redesignated in 40 CFR §81.316 as attainment or unclassified and if the applicant can demonstrate that the major source or major modification will not cause a new violation, the director shall relieve the applicant of the obligation of implementing the offsets.

ITEM 5. Amend subrule 23.1(2), introductory paragraph, as follows:

23.1(2) New source performance standards. The federal standards of performance for new stationary sources, as defined in 40 Code of Federal Regulations Part 60 as amended or corrected through ~~December 18, 1989~~ June 10, 1992, are adopted by reference, except 40 CFR §60.300 through 60.304, and 60.530 through 60.539b, and shall apply to the following affected facilities. The corresponding 40 CFR Part 60 subpart designation is in parentheses. Reference test methods (Appendix A), performance specifications (Appendix B), determination of emission rate change (Appendix C), quality assurance procedures (Appendix F) and the general provisions (Subpart A) of 40 CFR Part 60 also apply to the affected facilities.

Further amend subrule 23.1(2) by adding the following paragraphs:

jjj. VOC emissions from synthetic organic chemical manufacturing industry air oxidation unit processes. Unless exempted, any air oxidation reactor, air oxidation reactor and recovery system or combination of two or more reactors and the common recovery system used in the production of any of the chemicals listed in 40 CFR §60.617 for which construction, modification or reconstruction commenced after October 21, 1983. (Subpart III)

kkk. VOC emissions from synthetic organic chemical manufacturing industry distillation operations. Unless exempted, any distillation unit, distillation unit and recovery system or combination of two or more distillation units and the common recovery system used in the production of any of the chemicals listed in 40 CFR §60.667 for which

construction, modification or reconstruction commenced after December 30, 1983. (Subpart NNN)

III. Small industrial-commercial-institutional steam generating units. Each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989, and that has a maximum design heat input capacity of 100 million Btu per hour or less, but greater than or equal to 10 million Btu per hour. (Subpart Dc)

mmm. VOC emissions from the polymer manufacturing industry. Each of the following process sections in the manufacture of polypropylene and polyethylene - raw materials preparation, polymerization reaction, material recovery, product finishing, and product storage; each material recovery section of polystyrene manufacturing using a continuous process; each polymerization reaction section of poly(ethylene terephthalate) manufacturing using a continuous process; each material recovery section of poly(ethylene terephthalate) manufacturing using a continuous process that uses dimethyl terephthalate; each raw material section of poly(ethylene terephthalate) manufacturing using a continuous process that uses terephthalic acid; and each group of fugitive emissions equipment within any process unit in the manufacturing of polypropylene, polyethylene, or polystyrene (including expandable polystyrene). The applicability dates for construction, modification or reconstruction for polystyrene and poly(ethylene terephthalate) affected facilities and some polypropylene and polyethylene affected facilities is September 30, 1987. For the other polypropylene and polyethylene affected facilities the applicability date for these regulations is January 10, 1989. (Subpart DDD)

nnn. Municipal waste combustors. Unless exempted, a municipal waste combustor with a capacity greater than 250 tons per day of municipal solid waste or refuse derived fuel for which construction, modification, or reconstruction is commenced after December 20, 1989. (Subpart Ea)

ITEM 6. Amend subrule 23.1(3), introductory paragraph, as follows:

23.1(3) Emission standards for hazardous air pollutants. The federal standards for emissions of hazardous air pollutants, 40 Code of Federal Regulations Part 61 as amended through ~~May 2, 1990~~, March 5, 1992, are adopted by reference, except 40 CFR §61.20 to ~~§61.28~~ §61.26, §61.90 to ~~§61.98~~ §61.97, §61.100 to §61.108, §61.120 to ~~§61.126~~ §61.127, ~~§61.190 to §61.193~~, §61.200 to §61.205, §61.220 to §61.225, and ~~§61.250 to §61.252~~ §61.256, and shall apply to the following affected pollutants and facilities and activities listed below. The corresponding 40 CFR Part 61 subpart designation is in parentheses. Reference test methods (Appendix B), compliance status information requirements (Appendix A), quality assurance procedures (Appendix C), and the general provisions (Subpart A) of Part 61 also apply to the affected activities or facilities.

ITEM 7. Amend paragraph 23.2(3) "g" as follows:

g. Training fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the director receives notice in writing at least one week before such action commences. All asphalt roofing and asbestos-containing materials shall be removed prior to the training fire.

ITEM 8. Amend paragraph 23.3(2) "d", introductory paragraph, as follows:

d. Visible emissions. No person shall allow, cause or permit the emission of visible air contaminants ~~of a density or shade equal to or darker than that designated as Number 2 on the Ringelmann Chart, or in excess of forty~~ 40 percent (40%) opacity into the atmosphere from any equipment, internal



combustion engine, premise fire, open fire or stack, except as provided below and in 567--Chapter 24.

ITEM 9. Amend subrule 23.3(3) as follows:

~~23.3(3)-Sulphur~~ Sulfur compounds. The provisions of this subrule shall apply to any installation from which sulfur compounds are emitted into the atmosphere.

a. Sulfur dioxide from use of solid fuels.

(1) No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere from an existing solid fuel-burning unit, (i.e., a unit which was in operation or for which components had been purchased, or which was under construction prior to September 23, 1970), in an amount greater than 6 pounds, replicated maximum ~~two-hour~~ three-hour average, per million BTU of heat input if such unit is located within the following counties: Black Hawk, Clinton, Des Moines, Dubuque, Jackson, Lee, Linn, Louisa, Muscatine and Scott.

(2) No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere from an existing solid fuel-burning unit, (i.e., a unit which was in operation or for which components had been purchased, or which was under construction prior to September 23, 1970), in an amount greater than 5 pounds, replicated maximum ~~two-hour~~ three-hour average, per million BTU of heat input if such unit is located within the remaining 89 counties of the state not listed in subparagraph 23.3(3) "a"(1).

(3) No person shall allow, cause, or permit the emission of sulfur dioxide into the atmosphere from any new solid fuel-burning unit (i.e., a unit which was not in operation or for which components had not been purchased, or which was not under construction prior to September 23, 1970) which has a capacity of 250 million BTU or less per hour heat input, in an amount greater than six (~~6~~) pounds, replicated maximum ~~two-(2)-hour~~ three-hour average, per million BTU of heat input.

(4) Subparagraphs (1) through (3) notwithstanding, a fossil fuel-fired steam generator to which 23.1(2)"a<sub>1</sub>" or 23.1(2)"z" or 23.1(2)"ccc" applies shall comply with 23.1(2) "a<sub>1</sub>" or 23.1(2)"z" or 23.1(2)"ccc", respectively.

b. Sulfur dioxide from use of liquid fuels. No person shall allow, cause or permit the emission of sulfur dioxide into the atmosphere in an amount greater than 2.5 pounds of sulfur dioxide, replicated maximum ~~two-(2)-hour~~ three-hour average, per million BTU of heat input from a liquid fuel-burning unit. Notwithstanding this paragraph, a fossil fuel-fired steam generator to which 23.1(2)"a<sub>1</sub>" or 23.1(2)"z" or 23.1(2)"ccc" applies shall comply with 23.1(2)"a<sub>1</sub>" or 23.1(2)"z" or 23.1(2)"ccc".

c. Sulfur dioxide from sulfuric acid manufacture. After January 1, 1975, no person shall allow, cause or permit the emission of sulfur dioxide from an existing sulfuric acid manufacturing plant in excess of ~~thirty-(30)~~ pounds of sulfur dioxide, maximum ~~two-(2)-hour~~ three-hour average, per ton of product calculated as ~~one-hundred~~ 100 percent (~~100%~~) sulfuric acid.

d. Acid mist from sulfuric acid manufacture. After January 1, 1974, no person shall allow, cause or permit the emission of acid mist calculated as sulfuric acid from an existing sulfuric acid manufacturing plant in excess of 0.5 pounds, maximum ~~two-(2)-hour~~ three-hour average, per ton of product calculated as ~~one hundred~~ 100 percent (~~100%~~) sulfuric acid.

e. Other processes capable of emitting sulfur dioxide. After January 1, 1974, no person shall allow, cause or permit the emission of sulfur dioxide from any process, other than sulfuric acid manufacture, in excess of 500 parts per million, based on volume. This paragraph shall not apply to devices which have been installed for air pollution abatement purposes where it is demonstrated by the owner of the source that the ambient air quality standards are not being

exceeded.

This rule is intended to implement Iowa Code section 455B.133.

ITEM 10. Amend paragraph 23.4(12) "b" as follows:

b. Visible emissions. No person shall allow, cause or permit the operation of an incinerator in a manner such that it produces visible air contaminants which ~~have an appearance, density or shade equal to or darker than Number 2 on the Ringelmann Chart, or in excess of forty~~ 40 percent (40%) opacity; except that visible air contaminants ~~which have an appearance, density or shade not darker than Number 3 on the Ringelmann Chart, or in excess of sixty~~ 60 percent (60%) opacity, may be emitted for a period or periods aggregating not more than three (3) minutes in any ~~sixty (60)-minute~~ period during an operation breakdown or during the cleaning of air pollution control equipment.

ITEM 11. Amend subrule 24.1(1) as follows:

24.1(1) Excess emission during periods of startup, shutdown, or cleaning of control equipment. Excess emission during a period of startup, shutdown, or cleaning of control equipment is not a violation of the emission standard if the startup, shutdown or cleaning is accomplished expeditiously and in a manner consistent with good practice for minimizing emissions. Cleaning of control equipment which does not require the shutdown of the process equipment shall be limited to ~~a period or periods aggregating not more than six (6) minutes in any sixty (60) minutes~~ one six-minute period per one-hour period.

ITEM 12. Amend rule 567--24.1(455E) by adding the following new subrule:

24.1(5) Subrules 24.1(1) to 24.1(4) notwithstanding, a fossil fuel-fired steam generator to which 23.1(2)"a," 23.1(2)"z" or 23.1(2)"ccc" applies shall comply with 23.1(2)"a," 23.1(2)"z" or 23.1(2)"ccc".

ITEM 13. Amend subrule 25.1(7) as follows:

25.1(7) Tests by owner. ~~The owner of new or existing equipment or the owner's authorized agent shall notify the director in writing, not less than fifteen (15) days before a test performed to determine compliance with applicable regulations of chapter 23 or a performance evaluation of any required continuous monitor. Such notice shall include the time, the place, and the name of the person who will conduct the tests. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the director in the form of a comprehensive report.~~ The owner of new or existing equipment or the owner's authorized agent shall conduct emission tests to determine compliance with applicable rules in accordance with these requirements.

a. General. The owner of new or existing equipment or the owner's authorized agent shall notify the director in writing, not less than 30 days before a required test or performance evaluation of a continuous emission monitor is performed to determine compliance with applicable requirements of 567--Chapter 23 or a permit condition. For the department to consider test results a valid demonstration of compliance with applicable rules or a permit condition, such notice shall be given. Such notice shall include the time, the place, the name of the person who will conduct the tests and other information as required by the department. Unless specifically waived by the department, a pretest meeting shall be held not later than 15 days prior to conducting the compliance demonstration. The department may accept a testing protocol in lieu of the pretest meeting. A representative of the department shall be permitted to witness the tests. Results of the tests shall be submitted in writing to the

director in the form of a comprehensive report within six weeks of the completion of the testing.

b. New equipment. Unless otherwise specified by the department, all new equipment shall be tested by the owner or the owner's authorized agent to determine compliance with applicable emission limits. Tests conducted to demonstrate compliance with the requirements of 567--Chapter 23 shall be conducted within sixty (60) days of achieving maximum production but no later than one hundred eighty (180) days of startup.

c. Existing equipment. The director may require the owner or the owner's authorized agent to conduct an emission test on any equipment if the director has reason to believe that the equipment does not comply with applicable requirements. Grounds for requiring such a demonstration of compliance include a modification of control or process equipment, age of equipment, or observation of opacities or other parameters outside the range of those indicative of properly maintained and operated equipment. Testing may be required as necessary to determine actual emissions from a source where that source is believed to have a significant impact on the public health or ambient air quality of an area. The director shall provide the owner or agent not less than thirty (30) days to perform the compliance demonstration and shall provide written notice of the requirement.

ITEM 14. Amend subrule 25.1(9) as follows:

25.1(9) Methods and procedures. Stack sampling and associated analytical methods used to evaluate compliance with emission limitations of 567--Chapter 23 or a permit condition are those specified in the "Compliance Sampling Manual\*" adopted by the commission on May 19, 1977, as revised through December 21, 1992. Sampling methods, analytical determinations, and minimum performance specifications and quality assurance procedures for performance evaluations of continuous monitoring systems are those found in Appendix B and Appendix F, 40 C.F.R. Part 60 as amended through January 31, 1977 February 11, 1991.  
\*Available from department

ITEM 15. Rescind and reserve paragraph 25.1(10) "d" which follows.

~~An affected source (or the stack servicing an affected source) is already equipped with a continuous monitor purchased prior to September 11, 1974, but not meeting performance specifications referenced in 25.1(9) shall be exempt from the installation, calibration, maintenance, and operation of a replacement monitor meeting specifications of 25.1(9) for a period of up to five (5) years from the date these rules become effective. However, in such cases the stipulations of 25.1(5) and 25.1(6) shall still apply to the existing monitor.~~

ITEM 16. Amend rule 29.1 as follows:

29.1(1) Qualifications. ~~To qualify as an observer in reading visible emissions, a candidate must complete a smoke reading course conducted by the department, or an equivalent course. The smoke generator used to qualify the observers must be equipped with a calibrated smoke indicator or light transmission meter located on the source stack if the smoke generator is to determine the actual opacity of the emissions. In order to qualify, the candidate must meet or exceed the following requirements:~~

~~a. Have on record with the department a minimum of 250 readings of black plumes and 250 readings of white plumes, taken at approved smoke reading courses;~~

~~b. Must consecutively assign opacity readings in five percent (5%) increments, to 25 black plumes and 25 white plumes, with an error not to exceed~~

~~±5-percent (±5%) on any one reading and an average error not to exceed seven and one-half percent (7.5%). This requirement must be met every six (6) months in order to remain qualified.~~

~~29.1(2) Procedures. For stationary sources, the qualified observer stands at a distance from the base of the stack necessary to obtain a clear view of the appropriate portion of the plume, with the sun to the observer's back but not more than 45 degrees to either side. From a vantage point perpendicular to the plume, the observer studies the point of greatest opacity in the plume. All readings are to be recorded to the nearest five percent (5%) opacity. A minimum of 32 readings shall be recorded. For mobile sources, the qualified observer following a vehicle must avoid reading directly into the plume, if possible. The line of observation should intersect the smoke train at as wide an angle as possible. Error of reading smoke in this fashion should be compensated for and smoke should be read at its point of maximum density. The periods of time in which opacities exceed the prescribed standard should be totaled. All readings are to be recorded to the nearest five percent (5%) opacity.~~

567--29.1(455B) Methodology and qualified observer. The federal method for visual determination of opacity of emissions and requirements for qualified observers as defined in Method 9, 40 CFR Part 60 Appendix A as amended through November 14, 1990, are adopted by reference.

This rule is intended to implement Iowa Code chapter 455B.

Mr. Stokes stated that these rules make housekeeping amendments to the original rules.

Dave Phelps, Air Quality Bureau, gave a slide presentation on what is involved in doing a stack test.

Commissioner Ehm left the meeting at this time.

Mr. Stokes distributed copies of the Compliance Sampling Manual.

(A copy of the manual is on file in the department's Record's Center).

Discussion followed regarding stack operations.

*Motion was made by Charlotte Mohr to approve Final Rule--Chapters 20-29, Air Quality Rules - Stack Testing. Seconded by Clark Yeager. Motion carried unanimously.*

APPROVED AS PRESENTED

## NOTICE OF INTENDED ACTION--CHAPTER 42, WATER SUPPLY LABORATORY CERTIFICATION

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

As part of its adoption of extensive drinking water rules in September, the Commission adopted a new Chapter 42, pertaining to certification of laboratories which perform analyses of public drinking water. There were two changes in the final rules from the proposed rules, dealing with fees. Even though these changes were made in response to comments from the public, the Administrative Rules Review Committee felt that these were significant changes and should go back through the public participation process. The attached Notice of Intended Action is requested to be approved, to accomplish this.

## ENVIRONMENTAL PROTECTION COMMISSION (567)

### Notice of Intended Action

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission for the Department of Natural Resources gives Notice of Intended Action to amend Chapter 42, "Water Supply Laboratory Certification." At its November 10, 1992 meeting the Administrative Rules Review Committee voted to impose a seventy day delay on subparagraphs 42.2(1)"b"(9) and (10), appearing as part of ARC 3458A, published in IAB Vol XV, No. 8 (10/14/92). The Administrative Rules Review Committee took this action because it believes that these two items, both fee increases, were added after the publication of the Notice of Intended Action, and that the associated fee increases were substantial. Therefore, the Committee requested that the Department provide written notice and an opportunity for public comment on these two items. The request was in the form of asking the Environmental Protection Commission to commence a regular rule-making proceeding concerning these two delayed items.

The Notice of Intended Action for revisions to Chapters 40-43 was published in the June 10, 1992 Iowa Administrative Bulletin as ARC 3084A. Public hearings were held on June 30, 1992, July 1, 1992, July 2, 1992, July 7, 1992, and July 8, 1992. These new chapters were adopted by the Environmental Protection Commission on September 21, 1992. The Department received sixteen written comments which were summarized and responded to in a Public Participation Responsiveness Summary which was filed with the Administrative Rules Coordinator.

As noted by the Administrative Rules Review Committee, certain changes to the proposed rules were made by the Department as the result of comments. These changes clarified the intent of the rules but did not result in any substantive changes to the noticed rules. Language was added to 42.2(1)"b"(10) increasing the laboratory certification fee by \$300 where multiple trips and samples are necessary during laboratory performance evaluations. These changes were discussed in the Responsiveness Summary.

Consequently, any interested persons may submit written comments concerning these subrules through February 9, 1993. Such written materials should be directed to Michael K. Anderson, P.E., Water Supply Section, Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand Avenue, Des Moines, Iowa 50319-0034; FAX (515)281-8995. Persons who have direct questions may contact Michael Anderson at (515)281-6599.

These rules implement Iowa Code chapter 45B, division III, part 1.

The Department solicits public comment concerning subrule 42.2(1)"b"(9) and 42.2(1)"b"(10) which read as follows:

(9) Reciprocity with other laboratories both within and without the state of Iowa is encouraged. However, where an out-of-state laboratory has received a reciprocal on-site assessment within its respective home state, the fee for certification shall not be reduced if an on-site assessment or survey is not performed.

(10) The laboratory certification fees shall be increased by \$300 per visit in those cases where multiple trips and multiple samples of unknown contaminants (for laboratory performance evaluations) are necessary.

Mr. Stokes explained that the Commission has already adopted rules addressing laboratory certification for public water supplies. Two changes were made in the rules from what was originally noticed. These changes dealt with the issue of reciprocity as well as a clarification on laboratory certification fees. He noted that when the rules went back to the Administrative Rules Review Committee they felt that they were substantive changes and should be go back out to public hearing.

*Motion was made by Nancylee Siebenmann to approve Notice of Intended Action--Chapter 42, Water Supply Laboratory Certification. Seconded by Gary Priebe. Motion carried unanimously.*

APPROVED AS PRESENTED

### PRIVATE WELL SAMPLING AND PLUGGING GRANTS TO COUNTIES

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve grants to 87 counties for well testing and plugging, 6 counties for well plugging only, and one county for well testing only (94 grants total). Grant amounts will be \$7,560.00 per county for well testing and \$6,400.00 per county for well plugging for a total grant amount of \$1,260,480.00. These figures are based on the current unobligated balance in the Groundwater Fund agricultural management account and additional receipt of funds expected before the end of the fiscal year. For SFY94, the average per county grant amount for well testing will be increased by \$60.00 and the well abandonment grant decreased by \$300.00 compared to SFY93. Counties are allowed to transfer moneys between programs upon Department approval.

Ninety four applications were received for the grant program. All applications are acceptable. Counties are expected to test a minimum of 200 wells and plug 27 wells under each grant. These figures are based on data from the last two grant periods. Actual grant amounts may vary from the proposed amounts based on final grant dollars available and unexpected costs which the counties can justify. Final payment will be based on the actual performance.

A list of the proposed Grantees and grant amounts is attached. Also attached is a copy of a list showing past participation in the county grant program.

### IOWA DEPARTMENT OF NATURAL RESOURCES

#### Chapter 47 – Private Well Sampling and Well Abandonment Grants to Counties SFY94

COUNTY NAME		TEST	PLUG	NO. OF WELLS TO BE		ESTIMATED GRANT AMOUNT		
		FY94	FY94	TESTED	PLUGGED	TESTING		PLUGGING
Adair	1	X	X	180	24	\$7,560.00		\$6,400.00
Adams	2	X	X	180	24	\$7,560.00		\$6,400.00
Allamakee	3	X	X	180	24	\$7,560.00		\$6,400.00
Appanoose	4	X	X	180	24	\$7,560.00		\$6,400.00
Audubon	5	X	X	180	24	\$7,560.00		\$6,400.00
Benton	6	X	X	180	24	\$7,560.00		\$6,400.00
Black Hawk	7	X	X	180	24	\$7,560.00		\$6,400.00
Boone	8	X	X	180	24	\$7,560.00		\$6,400.00
Bremer	9	X	X	180	24	\$7,560.00		\$6,400.00
Buchanan	10	X	X	180	24	\$7,560.00		\$6,400.00
Buena Vista	11	X	X	180	24	\$7,560.00		\$6,400.00
Butler	12	X	X	180	24	\$7,560.00		\$6,400.00
Calhoun	13	X	X	180	24	\$7,560.00		\$6,400.00
Carroll	14	X	X	180	24	\$7,560.00		\$6,400.00
Cass	15	X	X	180	24	\$7,560.00		\$6,400.00
Cedar	16	X	X	180	24	\$7,560.00		\$6,400.00
Cerro Gordo	17	X	X	180	24	\$7,560.00		\$6,400.00
Cherokee	18	X	X	180	24	\$7,560.00		\$6,400.00
Chickasaw	19	X	X	180	24	\$7,560.00		\$6,400.00
Clarke	20							
Clay	21	X	X	180	24	\$7,560.00		\$6,400.00
Clayton	22	X	X	180	24	\$7,560.00		\$6,400.00
Clinton	23	X	X	180	24	\$7,560.00		\$6,400.00
Crawford	24	X	X	180	24	\$7,560.00		\$6,400.00
Dallas	25							
Davis	26	X	X	180	24	\$7,560.00		\$6,400.00
Decatur	27							
Delaware	28	X	X	180	24	\$7,560.00		\$6,400.00
Des Moines	29	X	X	180	24	\$7,560.00		\$6,400.00



Dickinson	30	X	X	180	24	\$7,560.00		\$6,400.00
Dubuque	31	X	X	180	24	\$7,560.00		\$6,400.00
Emmet	32	X	X	180	24	\$7,560.00		\$6,400.00
Fayette	33	X	X	180	24	\$7,560.00		\$6,400.00
Floyd	34	X	X	180	24	\$7,560.00		\$6,400.00
Franklin	35	X	X	180	24	\$7,560.00		\$6,400.00
Fremont	36	X	X	180	24	\$7,560.00		\$6,400.00
Greene	37	X	X	180	24	\$7,560.00		\$6,400.00
Grundy	38	X	X	180	24	\$7,560.00		\$6,400.00
Guthrie	39	X	X	180	24	\$7,560.00		\$6,400.00
Hamilton	40	X	X	180	24	\$7,560.00		\$6,400.00
Hancock	41	X	X	180	24	\$7,560.00		\$6,400.00
Hardin	42	X	X	180	24	\$7,560.00		\$6,400.00
Harrison	43	X	X	180	24	\$7,560.00		\$6,400.00
Henry	44	X	X	180	24	\$7,560.00		\$6,400.00
Howard	45	X	X	180	24	\$7,560.00		\$6,400.00
Humboldt	46	X	X	180	24	\$7,560.00		\$6,400.00
Ida	47	X	X	180	24	\$7,560.00		\$6,400.00
Iowa	48	X	X	180	24	\$7,560.00		\$6,400.00
Jackson	49	X	X	180	24	\$7,560.00		\$6,400.00
Jasper	50	X	X	180	24	\$7,560.00		\$6,400.00
Jefferson	51		X		24			\$6,400.00
Johnson	52	X	X	180	24	\$7,560.00		\$6,400.00
Jones	53	X	X	180	24	\$7,560.00		\$6,400.00
Keokuk	54	X	X	180	24	\$7,560.00		\$6,400.00
Kossuth	55	X	X	180	24	\$7,560.00		\$6,400.00
Lee	56	X	X	180	24	\$7,560.00		\$6,400.00
Linn	57	X	X	180	24	\$7,560.00		\$6,400.00
Louisa	58	X	X	180	24	\$7,560.00		\$6,400.00
Lucas	59		X		24			\$6,400.00
Lyon	60	X	X	180	24	\$7,560.00		\$6,400.00
Madison	61		X		24			\$6,400.00
Mahaska	62	X	X	180	24	\$7,560.00		\$6,400.00
Marion	63	X	X	180	24	\$7,560.00		\$6,400.00
Marshall	64	X	X	180	24	\$7,560.00		\$6,400.00
Mills	65	X	X	180	24	\$7,560.00		\$6,400.00
Mitchell	66	X	X	180	24	\$7,560.00		\$6,400.00
Monona	67		X		24			\$6,400.00
Monroe	68	X	X	180	24	\$7,560.00		\$6,400.00
Montgomery	69	X	X	180	24	\$7,560.00		\$6,400.00
Muscatine	70	X	X	180	24	\$7,560.00		\$6,400.00
O'Brien	71	X	X	180	24	\$7,560.00		\$6,400.00
Osceola	72		X		24			\$6,400.00
Page	73	X	X	180	24	\$7,560.00		\$6,400.00
Palo Alto	74	X	X	180	24	\$7,560.00		\$6,400.00
Plymouth	75	X	X	180	24	\$7,560.00		\$6,400.00



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Pocahontas	76	X		180		\$7,560.00		
Polk	77							
Pottawattamie	78	X	X	180	24	\$7,560.00		\$6,400.00
Poweshiek	79	X	X	180	24	\$7,560.00		\$6,400.00
Ringgold	80							
Sac	81	X	X	180	24	\$7,560.00		\$6,400.00
Scott	82	X	X	180	24	\$7,560.00		\$6,400.00
Shelby	83	X	X	180	24	\$7,560.00		\$6,400.00
Sioux	84	X	X	180	24	\$7,560.00		\$6,400.00
Story	85	X	X	180	24	\$7,560.00		\$6,400.00
Tama	86	X	X	180	24	\$7,560.00		\$6,400.00
Taylor	87	X	X	180	24	\$7,560.00		\$6,400.00
Union	88		X		24			\$6,400.00
Van Buren	89	X	X	180	24	\$7,560.00		\$6,400.00
Wapello	90	X	X	180	24	\$7,560.00		\$6,400.00
Warren	91	X	X	180	24	\$7,560.00		\$6,400.00
Washington	92	X	X	180	24	\$7,560.00		\$6,400.00
Wayne	93	X	X	180	24	\$7,560.00		\$6,400.00
Webster	94	X	X	180	24	\$7,560.00		\$6,400.00
Winnebago	95	X	X	180	24	\$7,560.00		\$6,400.00
Winneshiek	96	X	X	180	24	\$7,560.00		\$6,400.00
Woodbury	97	X	X	180	24	\$7,560.00		\$6,400.00
Worth	98	X	X	180	24	\$7,560.00		\$6,400.00
Wright	99	X	X	180	24	\$7,560.00		\$6,400.00

TOTAL	88	93	15848	2232	\$665,280.00		\$595,200.00
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## COUNTY STATUS - GRANTS &amp; DELEGATED AUTHORITY

COUNTY NAME		CONTACT NAME	PHONE NUMBER	ISSUES PERMITS	WELL TESTING					WELL PLUGGING				
					FY90	FY91	FY92	FY93	FY94	FY90	FY91	FY92	FY93	FY94
Adair	1	Steve Patterson	515/747-8320	X		X	X	X	X		X	X	X	X
Adams	2	Eldon Rike	515/322-3910	X	X			X	X	X	X	X	X	X
Allamakee	3	Nancy Lorentzson	319/568-3014	X		X	X	X	X		X	X	X	X
Appanoose	4	Bill Milani	515/437-4332			X	X	X	X		X	X	X	X
Audubon	5	Steve Patterson	515/747-8320	X	X	X	X	X	X	X	X	X	X	X
Benton	6	Marc Greenlee	319/472-3119	X	X	X	X	X	X		X	X	X	X
Black Hawk	7	Mark Linda	319/291-2413	X	X	X	X	X	X	X	X	X	X	X
Boone	8	John Munson	515/432-1122	X				X	X				X	X
Bremer	9	Doug Bird	319/352-5040	X	X	X	X	X	X	X	X	X	X	X
Buchanan	10	Ed Fitzgerald	319/334-2873	X		X	X	X	X		X	X	X	X
Buena Vista	11	Ray Kurtz	712/749-2555			X	X	X	X		X	X	X	X
Butler	12	Steve Russe	319/267-2630	X				X	X			X	X	X
Calhoun	13	Keith Roos	712/297-8323	X	X	X	X	X	X	X	X	X	X	X
Carroll	14	Carl Wilburn	712/792-9532	X	X	X	X	X	X	X	X	X	X	X
Cass	15	Steve Patterson	515/747-8320	X		X	X	X	X		X	X	X	X
Cedar	16	Phil LaRue	319/886-2248	X	X	X	X	X	X	X	X	X	X	X
Cerro Gordo	17	Ron Osterholm	515/421-3064	X	X	X	X	X	X	X	X	X	X	X
Cherokee	18	Don Tietgen	712/225-4741		X	X	X	X	X	X	X	X	X	X
Chickasaw	19	Ken Rasing	515/394-2406	X	X	X	X	X	X	X	X	X	X	X
Clarke	20													

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Clay	21	R.K. Clark	712/262-2825					X	X				X	X
Clayton	22	Steve Helfer	319/245-2451	X	X	X	X	X	X	X	X	X	X	X
Clinton	23	Bob Summers	319/659-8148	X	X	X	X	X	X	X	X	X	X	X
Crawford	24	Carl Wilburn	712/792-9532	X	X	X	X	X	X	X	X	X	X	X
Dallas	25	Terry Brooks	515/993-3347		X	X	X				X	X	X	
Davis	26	Donnie Harteen	515/664-3629			X	X	X	X		X	X	X	X
Decatur	27	Keith Hinds	515/446-7131											
Delaware	28	Dorance Oehler	319/927-5925	X	X	X	X	X	X	X	X	X	X	X
Des Moines	29	Charles Russell	319/753-8217		X	X	X	X	X	X	X	X	X	X
Dickinson	30	David Gottsche	712/336-2770	X		X	X	X	X		X	X	X	X
Dubuque	31	Paul Buss	319/557-7396		X	X	X	X	X	X	X	X	X	X
Emmet	32	Terry Reekers	712/362-4221	X		X	X	X	X		X	X	X	X
Fayette	33	Lyle Jackson	319/422-6061	X	X	X	X	X	X	X	X	X	X	X
Floyd	34	Keith Oldham	515/228-7111	X		X	X	X	X		X	X	X	X
Franklin	35	Kermit Voy	515/456-4269			X		X	X		X	X	X	X
Fremont	36	Charles Marker	712/374-2613	X				X	X			X	X	X
Greene	37	Tim Healy	515/386-8343	X	X	X	X	X	X	X	X	X	X	X
Grundy	38	Sandra Harms	515/869-5210	X		X	X	X	X		X	X	X	X
Guthrie	39	Steve Patterson	515/747-8320	X	X	X	X	X	X	X	X	X	X	X
Hamilton	40	Suzanne Johnson	515/832-1771	X	X	X	X	X	X	X	X	X	X	X
Hancock	41	Jack Bradley	515/923-3676	X		X	X	X	X		X	X	X	X
Hardin	42	John Stonebraker	515/858-3461	X	X	X	X	X	X		X	X	X	X
Harrison	43	Lowell Clark	712/644-2302	X	X		X	X	X	X		X	X	X
Henry	44	Clarence Perry	319/385-0768	X	X	X	X	X	X	X	X	X	X	X
Howard	45	Tom Andersen	319/547-2620		X	X	X	X	X	X	X	X	X	X
Humboldt	46	Lawrence Lerdal	515/332-2492	X	X	X	X	X	X	X	X	X	X	X
Ida	47	Richard Madsen	712/364-3498	X	X	X	X	X	X	X	X	X	X	X
Iowa	48	Richard Heller	319/642-5203			X	X	X	X	X	X	X	X	X
Jackson	49	Troy Jacobsen	319/652-5658	X	X	X	X	X	X	X	X	X	X	X
Jasper	50	Brent Parker	515/792-7603	X	X	X	X	X	X	X	X	X	X	X
Jefferson	51	Lyle Marine	515/472-2841	X							X	X	X	X
Johnson	52	L. Graham Dameron	319/356-6040	X	X	X	X	X	X	X	X	X	X	X
Jones	53	Diane Casper	319/462-4715	X		X	X	X	X		X	X	X	X
Keokuk	54	John Steddom	515/622-2610	X		X		X	X		X		X	X
Kossuth	55	Jack Bradley	515/295-3813	X		X	X	X	X		X	X	X	X
Lee	56	Judy Harrison	319/372-5227	X	X	X	X	X	X	X	X	X	X	X
Linn	57	Tom Hart	319/398-3551	X	X	X	X	X	X	X	X	X	X	X
Louisa	58	John Pasch	319/523-5271					X	X				X	X
Lucas	59	Nick Konrad	515/774-4013									X	X	X
Lyon	60	Jeff Williams	712/472-3154					X	X			X	X	X
Madison	61	Jerry Trevillyan	515/462-2636									X	X	X
Mahaska	62	R.J. Blessum	515/672-2897	X				X	X	X	X	X	X	X
Marion	63	John McCoy	515/828-2243			X	X	X	X		X	X	X	X
Marshall	64	Bill Crews	515/754-6370	X			X	X	X			X	X	X
Mills	65	Sheri Bowen	712/624-8602		X	X	X	X	X	X	X	X	X	X
Mitchell	66	R/S Consultants	515/732-5391		X	X	X	X	X	X	X	X	X	X
Monona	67	Martin Evenson	712/423-3400	X							X	X	X	X
Monroe	68	Donnie Harteen	515/664-3629						X					X
Montgomery	69	Roger Ossian	712/623-4753	X	X	X	X	X	X	X	X	X	X	X
Muscatine	70	Verne Fuegen	319/263-0482	X	X	X	X	X	X	X	X	X	X	X
O'Brien	71	Janelle Schuknecht	712/757-5985				X	X	X			X	X	X
Osceola	72	Thomas Snyder	712/754-2303			X					X	X	X	X
Page	73	Jim Christensen	712/542-2510	X	X	X	X	X	X	X	X	X	X	X
Palo Alto	74	Loren Greiner	712/852-3178	X	X	X	X	X	X	X	X	X	X	X
Plymouth	75	Jack Frus	712/546-7835					X	X			X	X	X
Pocahontas	76	J. Scott Phillips	712/335-4142			X	X	X	X		X	X	X	
Polk	77	Bobby Baker	515/286-3376	X										

Pottawattamie	78	Richard Siglin	712/328-5644	X			X	X	X		X	X	X
Poweshiek	79	John McNaul	515/623-5723		X	X	X	X	X		X	X	X
Ringgold	80	John McFarland	515/464-3232										
Sac	81	David Irwin	712/662-7929	X	X	X	X	X	X		X	X	X
Scott	82	Lawrence Barker	319/326-8618	X	X	X	X	X	X		X	X	X
Shelby	83	Joseph Stroeher	712/755-2609	X		X	X	X	X		X	X	X
Sioux	84	Doug Julius	712/737-2248					X	X			X	X
Story	85	Don Nolting	515/382-6581	X		X	X	X	X		X	X	X
Tama	86	Robert Ketter	515/484-4788	X		X	X	X	X		X	X	X
Taylor	87	Jim DeLozier	712/523-2167	X	X	X	X	X	X		X	X	X
Union	88	Curt Greenfield	515/782-7417								X	X	X
Van Buren	89	Teresa Claman	319/293-3431		X	X	X	X	X		X	X	X
Wapello	90	Bill Stemple	515/683-0075		X	X	X	X	X		X	X	X
Warren	91	Larry Gittins	515/961-1062	X		X	X	X	X		X	X	X
Washington	92	Dwight Glinnsman	319/653-6870	X		X	X	X	X		X	X	X
Wayne	93	Paula Culver	515/872-2221			X	X	X	X		X	X	X
Webster	94	Gary Boerner	515/573-4107	X	X	X	X	X	X		X	X	X
Winnebago	95	Jack Bradley	515/582-3412	X		X	X	X	X		X	X	X
Winneshiek	96	Ron Fairchild	319/382-4662	X	X	X	X	X	X		X	X	X
Woodbury	97	Jennifer Lightbody	712/279-6119	X		X	X	X	X		X	X	X
Worth	98	R/S Consultants	515/732-5391			X	X	X	X		X	X	X
Wright	99	Sid Swenson	515/532-3461	X		X	X	X	X		X	X	X

Mr. Stokes gave a brief explanation of the grants.

Brief discussion followed.

*Motion was made by Charlotte Mohr to approve the Private Well Sampling and Plugging Grants to Counties. Seconded by Clark Yeager. Motion carried unanimously.*

APPROVED AS PRESENTED

### STATE REVOLVING FUND - INTENDED USE PLAN

Allan Stokes, Division Administrator, Environmental Protection Division, presented the following item.

The commission is requested to authorize a public hearing on the proposed Intended Use Plan for Fiscal Year 1992 State Revolving Fund (SRF) assistance for waste water treatment construction.

A draft Intended Use Plan (IUP) was presented to the commission in November for information. The IUP is the initial step in preparing a grant request for federal funds for the SRF. Opportunity for public input is required by the EPA. The IUP lists the projects proposed for loan assistance with anticipated FY 1993 funds.

If approved, a hearing notice will be published advertising a hearing at 1:00 PM on January 22, 1993, in the fourth floor conference room of the Wallace State Office Building. A copy of the hearing notice is attached. Notices will also be sent to all cities and interested persons or groups.

A proposed final IUP will be presented to the commission for approval following the hearing and consideration of any comments or additional applications received.

(A copy of the Intended Use Plan is on file in the department's Records Center)

Mr. Stokes gave a brief explanation of the Intended Use Plan.

*Motion was made by Rozanne King to approve the State Revolving Fund - Intended Use Plan for FY 93 to go to public hearing. Seconded by Clark Yeager. Motion carried unanimously.*

APPROVED AS PRESENTED

## **REFERRALS TO THE ATTORNEY GENERAL (CONTINUED)**

### **Seven Ponds Park**

Mr. Murhpy briefed the Commission on this case involving deficiencies in taking bacteria and nitrate samples.

*Motion was made by Charlotte Mohr for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.*

REFERRED

### **Rankin Roofing and Siding**

Mr. Murphy briefed the Commission on this case involving open burning violations and failure to pay a penalty.

*Motion was made by Rozanne King for referral to the Attorney General's Office. Seconded by Clark Yeager. Motion carried unanimously.*

REFERRED

### **Buffalo Bill Estates**

Mr. Murphy stated that staff will withdraw this referral as they have paid their penalty.

## **GENERAL DISCUSSION**

Rozanne King asked what the Commission thought of Kristi Hirschman's presentation.

Director Wilson stated that Don Paulin and Lisa Smith met with Kristi following her presentation and some of her comments will probably go into a legislative proposal. He added that he will bring back a report on the results of that meeting next month.

Nancylee Siebenmann asked about the status of a replacement chairman for CHEEC.

Rick Kelley, University Hygienic Lab, stated that Keith Cherryholmes was heading the advisory committee to select a new CHEEC chairman but he recently resigned and moved to Minnesota. Rick added that he has been appointed to fill Dr. Cherryholmes position, and Tom Tipley has been asked to temporarily fill in as chair of the advisory committee until a new chair is elected in January.

Clark Yeager reported that he recently attended a Leopold Center meeting and they are going to do a public relations effort to get their story out. Don Paulin is now the department's representative to the Leopold Center.

Discussion took place on the Conflict of Interest rules and Director Wilson stated that he would like to get them passed by the NRC and then bring them to the EPC. He added that the NRC and the department have been working with the Attorney General's Office on these rules for a number of months.

## **ADDRESS ITEMS FOR NEXT MEETING**

The Commission will meet on Tuesday, hold the Legislative Breakfast on Wednesday morning, and if necessary finish the meeting after the breakfast.

Chairperson Hartsuck stated that he has arranged to have Bill Leach, Midwest Power System, to provide an educational session at the January meeting.

Discussion followed regarding storage, shredding and burning of tires.

Gary Priebe stated that he would like a status report on companies that have received a landfill alternative grant, particularly any that have gone bankrupt.

## **NEXT MEETING DATES**

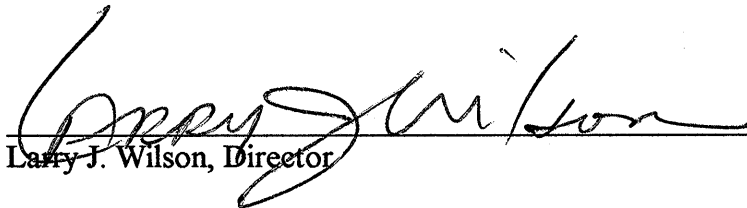
January 19 & 20 (Tues. & Wed.)

February 15, 1993

March 15, 1993

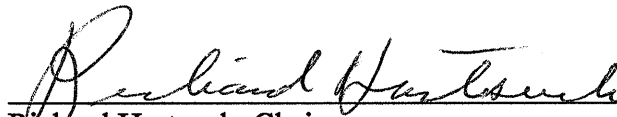
**ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Hartsuck adjourned the meeting at 4:40 p.m., Monday, December 21, 1992.



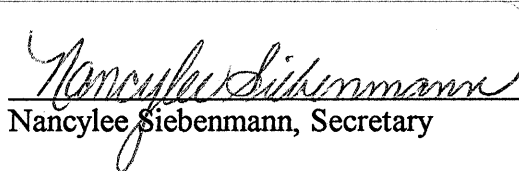
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Larry J. Wilson, Director



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Richard Hartsuck, Chairperson



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Nancylee Siebenmann, Secretary

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